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COMMUNICATION, LINGUISTICS AND LITERATURE FACULTY  
MULTILINGUAL SCHOOL OF INTERNATIONAL BUSINESS AND INTERNATIONAL RELATIONS**

**SENIOR DISSERTATION BEFORE COMPLETION OF THE DEGREE OF  
MULTILINGUAL BACHELOR ON BUSINESS AND INTERNATIONAL RELATIONS**

**ANALYSIS OF THE EU-TURKEY STATEMENT WITHIN THE TURKISH MIGRATION  
POLICY REGARDING THE SYRIAN CRISIS**

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**SEPTEMBER, 2018  
QUITO – ECUADOR**

## DEDICATION

*To my parents for everything.*

## ACKNOWLEDGMENT

*Thanks to everyone who has helped  
and taught me along the way.*

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## **I. TOPIC**

### **ANALYSIS OF THE EU-TURKEY STATEMENT WITHIN THE TURKISH MIGRATION POLICY REGARDING THE SYRIAN CRISIS**

## **II. ABSTRACT**

The EU-Turkey Statement and Joint Action Plan was implemented in response to the refugee crisis boom in 2015 which was originated by the Syrian conflict. The purpose of this dissertation is to verify if the Turkish migration policy, particularly the EU -Turkey Statement responds to the needs of the European Union and geopolitical Turkish interest, but it is not a solution to the problem of Syrian migration due to the lack of infrastructure, an efficient system and clear guidelines for the management of migrants. The following dissertation will use constructivism and complex interdependence as theoretical frameworks as it aims to understand the cause of Syrian migrants seeking refuge in the EU and the consequences of the EU-Turkey Statement on international law and the lives of Syrian refugees. Moreover, the methodology chosen is qualitative through an inductive approach alongside discourse and documentary analysis because it allows to study all the factors individually in order to understand the whole issue. Finally, this dissertation concludes that the parties' interests shape the Statement and as such the welfare of refugees was not considered due to the breach of the international law and the human rights violations.

**Key words:** refugee, international law, foreign policy, Syrian conflict, EU-Turkey Statement.



### III. RESUMEN

La Declaración entre la Unión Europea y Turquía y su Plan de Acción Conjunta se implementaron en respuesta a la crisis de refugiados en 2015 originada por el conflicto sirio. El propósito de la presente disertación es verificar si la política migratoria turca, en particular la Declaración de Turquía-UE, respondería a las necesidades de la Unión Europea y al interés geopolítico de Turquía, pero, no sería una solución al problema de la migración siria debido al sistema ineficiente, falta de infraestructura y directrices claras para la gestión de los migrantes. Las teorías utilizadas en la disertación son el constructivismo y la interdependencia compleja porque se busca entender las razones por las cuales los migrantes sirios buscan refugio en la UE, y las consecuencias de la Declaración sobre el derecho internacional y la vida de los refugiados sirios. Además, se escogió la metodología cualitativa a través de un enfoque inductivo junto al análisis del discurso y documental, ya que permite estudiar todos los factores de manera individual para comprender la problemática como un todo. Finalmente, se concluye que los intereses de las partes influyen en la Declaración y que no fue considerada la protección de los refugiados por el quebrantamiento del derecho internacional y las violaciones de derechos humanos hechos en su nombre.

**Palabras claves:** refugiado, derecho internacional, política exterior, conflicto sirio, acuerdo de la Unión Europea y Turquía.

#### IV. RÉSUMÉ

La Déclaration entre l'Union Européenne et la Turquie et son Plan d'Action Conjointe ont été mis en application comme réponse à la crise de réfugiés en 2015 provoquée par le conflit syrien. Le propos de la dissertation est de vérifier si la politique migratoire turque, en particulier la Déclaration Turquie - UE, répondrait aux nécessités de l'Union Européenne et à l'intérêt géopolitique de la Turquie, cependant, ce ne serait pas une solution au problème de la migration syrienne à cause d'un système inefficace, le manque d'infrastructure et de directrices claires pour la gestion des migrants. Dans la dissertation, les théories utilisées sont le constructivisme et l'interdépendance complexe parce qu'ils permettent entendre les raisons par lesquels les migrants syriens cherchent un refuge dans l'UE, et les conséquences de la Déclaration dans le droit international et la vie des réfugiés syriens. De plus, la méthodologie choisie est qualitative par une approche inductive à côté de l'analyse de la parole et du documentaire car elle permet d'étudier tous les facteurs individuellement afin de comprendre l'ensemble de la problématique. Finalement, les intérêts des parties influencent la Déclaration et cette instrument n'a pas considérée la protection des réfugiés par le effondrement du droit international et les violations de droits de l'homme.

**Mots clés:** refugee, droit international, politique extérieur, conflit syrienne, l'accord entre l'Union Européenne et la Turquie.

## **V. INTRODUCTION**

The crisis in Syria and its instability, both as political and internal security, led to a massive displacement of people. As a consequence, more than 5.4 million Syrians had to flee their homeland in search of protection, aid and refuge. Most of the Syrian people flee by land to neighboring countries, but given the situation in these countries, the people who decide to go to the European Union face specific problems. Their most traveled route is to Turkey towards the European Union (EU). For this reason, the Republic of Turkey must receive a number of migrants which was not prepared for. Thus, the general objective for this dissertation is to analyze Turkey's immigration policy, in particular the 1x1 Deal with the EU regarding Syrian refugees and refugee seekers. In order to achieve this the EU-Turkey Statement and Joint Action Plan will be analyzed as well as official documents from said actors and independent sources from NGOs.

First of all, it is important to understand the origin of the Syrian crisis and the participation of external actors in the territory. Then, the consequences faced by the Syrian people which led to a humanitarian crisis because of Syria's economic and political situation, their living conditions and human rights violations. This emphasis is related to the first specific objective which is to identify the condition of Syrian migrants seeking refuge. Moreover, in the first chapter is analyzed the reaction of the international community concerning aid and policies, which led to the creation of the EU-Turkey Statement and Joint Action Plan between said parties.

To understand the Turkish migration policy regarding the needs of Syrian refugees and refugee seekers is the specific objective of the second chapter. In order to achieve this, it is necessary to comprehend the ideas and interests behind the principles and objectives of Erdogan's party, as they guide his governmental agenda and Turkey's foreign policy. Secondly, due to the EU and Turkey's geographical proximity, their relation is interdependent in terms of security, business transactions and human mobility, which have continuously evolved over time.

Facing the humanitarian crisis, EU and Turkey established a Statement and Joint Action Plan on the management of the Syrian refugee population. Therefore, the third chapter focuses on a legal framework that protects these vulnerable groups and the importance of migration in the international agenda. The legal gaps between the Statement and international law are analyzed, as this chapter's specific objective is to determine the relation of the 1 to 1 Deal with respect to international public and humanitarian law. Also, it is important to understand the effect that this document has had on people in need of international protection. It must be mentioned that the official document has not been released and the information used in this dissertation is gathered through official declarations, press releases, and documents of the EU and the Turkish government. Moreover, this Statement is also commonly called the Refugee Deal or the 1 to 1 Agreement.

This dissertation is territorially delimited in the Republic of Turkey because it is the country that shares borders with the EU and Syria and as such it is a transit country for Syrian refugees. The time period to be considered is between the years 2011 to 2016, in which the refugee crisis developed and resulted in a significant increase in the number of Syrian migrants into Turkey.

For the purpose of developing the following dissertation, the stated hypothesis is that: the Turkish migration policy, in particular the UE-Turkey Statement, would respond to the needs of the European Union and geopolitical Turkish interest; however, this would not be a solution to the problem of Syrian migration due to a lack of infrastructure, an efficient refugee database system, and clear guidelines for the management of migrants.

The theories used to perform this dissertation are: complex interdependence and constructivism. First, the complex interdependence theory is based on three assumptions: the existence of multiple channels that connect societies. These channels include informal links between government elites, non-governmental elites, and transnational organizations, so that inter-state, trans-governmental and transnational relations are formed. The second assumption is

that there is no specific and pre-established hierarchy on the agenda of international relations, as it comprises several issues. This means that military security is not the primary issue on the agenda. The third and final assumption is that governments do not use military force against other nearby governments if there are complex interdependent relations (Keohane and Nye, 1988: 41).

Interdependence exists among countries or actors in different countries when there are reciprocal effects between them, although such effects should not necessarily be symmetrical. It should be emphasized that interdependence is not a matter of vulnerability of actor B to actor A, but of the result between the types of international transactions. It is necessary to mention that this theory establishes the costs related to interdependence. For example, the restriction on the autonomy of the parties, but benefits can exceed those costs for one or both parties (Viotti and Kaupi, 2012: 144).

It should be mentioned that actors, such as multinational financial companies and organizations influence domestic and international relations because they act as a means of dissemination of information, so that government policies are even more sensitive in different countries. This causes a hindering of internal policies of the different countries. Thus, transnational communications reinforce this interconnection. This leads to the elimination of the boundaries between internal and external politics (Keohane and Nye, 1988: 42).

This theory emphasizes that military force is less useful because of the importance that transnational actors have. Consequently, institutional and economic instruments are given more importance than military security as they are the basis of the relations among interdependent countries (Jackson and Sorensen, 2013: 109). Consequently, the use of force is not a convenient method to achieve goals or objectives, for example: economic and environmental comfort that are becoming increasingly important in the international agenda. However, due to the high cost of military force effects and the uncertain results they generate, this method is less widely used. Powerful and resourceful states may

try to secure the same result by using all their economic power to influence the outcomes of other problems (Keohane and Nye, 1988: 44).

Complex interdependence develops alongside the modernization process and is applicable to relations between developed countries. However, it is necessary to clarify that there may be issues that become issues of life and death that lead to the end of such interdependence. This could occur even among these countries if some of the basic aspects are not respected (Jackson and Sorensen, 2013: 109).

Constructivism is a systemic school that provides multiple ways of conceiving anarchy in the international system by the States. Thus, the actors think of international politics as more or less anarchic according to the different areas or domains (Hopf, 1998: 174).

From this perspective, the central theme in the postwar world is how different groups perceive their identities and interests. Thus, it highlights how different groups and individuals conceive their ideas and thus the development of their identities. This allows states to understand and recognize their own situation (Walt, 1988: 34). In addition, this theory concentrates on the influence that ideas and norms have on the behavior of actors, especially those shared by the different actors of the international system, according to their behavior (Wendt 1999: 5).

In constructivism, State identities determine who each State is and who the others are, as well as how this affects their interests. These identities, which are versatile, depend on the historical, cultural, political and social thread. This allows States to have different interests. In addition, it recognizes the capacity for progress in ideas and norms, which makes it possible to move from competitive systems to systems of cooperation or aid in relations among States (Hopf 1998: 176).

The common theme in each of these visions is the ability to form a political discourse in which actors define themselves and their interests, thus modifying their behavior. This theory provides a perspective for analyzing how identities and interests can change over time, causing subtle changes in the behavior of States and occasionally and unexpectedly detonating unexpected changes in international relations. From this there is a change in international law and other normative principles because there is an erosion over traditional notions of sovereignty and altering the legitimate purposes for which State power can be used (Walt, 1988: 46).

Constructivism proposes the idea of collective identity in relations among States, in which self-interest and collective interests are effects of a process of identification with the other. This identification is a continuum between negative and positive identification and may vary in different areas (Wendt, 1994: 384-396). The constructivism was used as a theoretical frame as it allows a study of the actors' identities, agendas and interests. Meanwhile, Keohane & Nye's theory make it possible to explore the relation among Turkey and the European Union in a macro level, but along the dissertation more emphasis is given to constructivism in order to understand the actors' actions and the complex interdependence was used as a conceptual framework.

In this research, the qualitative method was used, given the nature of the subject which is the analysis of the Turkish government's policy, because it allows to study all the factors individually in order to understand the whole issue. This will be done through the examination of discourse and official documents. Furthermore, information from official sources will be collected and contrasted with independent sources, like of NGOs (Hernandez Sampieri et al., 2014: 12). The essence of this research is qualitative because it focuses on understanding the phenomenon, to explore it from the perspective of the participants and taking into account the relationship of the actors with the context. In addition, it is exploratory because it seeks to examine the research topic with varying levels of depth in order to further explore the issue, such as the impact of the EU-Turkey Statement on Syrian refugee applicants. Also, the investigation's

scope is descriptive because it will be detailed how the Syrian migration phenomenon and the situation of these migrants happened, in order to understand the panorama in which these events have manifested themselves (Hernandez Sampieri et al., 2014: 12, 91-92).

The contribution of this scientific work is to generate knowledge to help understand the problem of Syrian migrants seeking refuge in the EU and the consequences of the EU-Turkey Statement, in order to know Turkey's official position on foreign migration policy, specifically on asylum and refuge. Also, because the Statement between Turkey and the EU establishes a precedent in the management of people in refugee crises; taking into account that these crises are cyclical and tend to recur.

This topic should be considered as one of social relevance because Syrian refugees in Turkey are people who are at risk. Likewise, Syrian people are the direct beneficiaries of asylum and integration policies because they want to flee from the continuous danger in their homeland, so the number of migrants increases every day and the problem is exacerbated. These people in need of international protection are important because when they are integrated, they are an active part of the States, improving their standard of living, generating work, and being part of the workforce.

This research is considered to be of relevance and in relation with the Multilingual Bachelor's Degree in Business and International Relations because some of the axes are foreign policies, international law, among others. Also, what is sought is to understand the situation of the Syrians in Turkey, as well as the Turkish reactions to this problem.



## **CHAPTER I**

### **MASSIVE DISPLACEMENT OF PEOPLE BECAUSE OF THE CRISIS IN SYRIA**

#### **1.1. Background**

In this subchapter is noted the importance of the Syrian background before the refugee crisis boom in 2015, in order to understand the causes that led to this event. First of all, it must be known that Bashar al-Assad, the President of Syria since 2000, is the son of the former President Hafez al-Assad who ruled from 1971 until his death. President Bashar al-Assad pledged to liberalize the country's economy and politics. However, in 2001, the opposition leaders, that wanted a change in the regime, were detained, sentenced to prison and there was suppression on personal freedoms (Freedom House, 2017:1). Also, the authorities impose restrictions on fundamental human rights such as monitoring, intimidation, arbitrary arrests and imprisonment not only to dissidents, but also to journalists, writers, bloggers, suspected Islamists, Kurdish activists, and gay men. During imprisonment, they are subject of torture and other ill-treatment, like the case of Jakarkhon 'Ali who was beaten, received electric shocks and being forced to stand up for long periods of time (Amnesty International, 2017:1).

Moreover, it should be mentioned that until 2011, Syria was a country that received 151 907 Iraqi refugees and asylum seekers and 460 000 Palestinian refugees. Nevertheless, government officials also refused some Palestinian refugees and officials deported some of them because of allegedly wrong doing and illegal activities (Amnesty International, 2011 & U.S. Department of State, 2011). This is why this subchapter will focus on the causes of the Syrian crisis, the arab spring and the participation of external actors in this conflict.

##### **1.1.1. The Arab Spring and its impact on Syria**

The immolation of Mohamed Buazizi, a 26 year old Tunisian, on December 17, 2010 in front of a government building in Sidi Buzid, a city south

of the Tunis the capital of Tunisian, and the subsequent dissemination of the video, generated a round of protests, risings and immolations that led to the departure of the dictator of Tunisia Ben Ali and his family and their refugee status in Saudi Arabia. This was the beginning of the Arab Spring, that is, the exemplary factor for the population of other countries in the Middle East to rise against authoritarian governments (Revilla & Hovanyi, 2013:2).

The Arab Spring spread to Egypt where the strikes, protests and mobilizations achieved the resignation of Hosni Mubarak. Meanwhile in Libya there were also strikes against Gadhafi who responded with violence and then NATO intervened until he was captured and assassinated (Revilla & Hovanyi, 2013). In Yemen, the population rebelled against Ali Abdullah Saleh. The ruler refused to leave his post, but he was attacked and went to recover in Saudi Arabia, then he returned to Yemen in September, but in November he abandons the presidency (Sciences Humaines, 2011:1).

Furthermore, countries where the Arab Spring happened have shared common factors that help explain the motivations behind this event, such as: the presence of gerontocracies<sup>1</sup>, the lack of liberties (political rights, violation of human rights freedom of speech and others), corruption, unemployment, poverty, inequality, food prices, and the increase of prices in general, that includes raw products, energy and so on (Blanco, 2011:2-3). Moreover, it should also be mentioned the factors that helped this situation to spread to other countries, these included: the contagion effect, the use of internet and social media; WikiLeaks, and the media in general (Blanco, 2011:4-5). These strikes occurred because of the yearning of structural change in the politics in these Arab countries (Lynch, 2013:1). Keohane & Nye assume that the existence of multiple channels connects society (Keohane & Nye, 1988:41). In this case, one can infer that there is an interdependence among countries in which the Arab Spring happened because of social media as Twitter was used to organize strikes and unite opponents of the ruling regimes.

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<sup>1</sup> Rule by elders; specifically : a form of social organization in which a group of old men or a council of elders dominates or exercises control (Merriam Webster,2018;1).

In Syria, the factors were similar and thus there was also the dissemination of revolution and the desire to change the regime, as the al-Assad family has been in power since 1978 and the population was tired of the lack of freedoms (Blanco, 2011:5). Thus, the protests began on March 15<sup>th</sup> 2011 and they were organized via social media. However, by the end of April, the government established the state of emergency and responded with violence against the demonstrators and opponents to the regime. This caused the Security Council of the UN to condemn the violations against human rights (Sciences Humaines, 2011).

### **1.1.2. Syrian Crisis**

The Syrian crisis was the civil war that started after the repression of the al-Assad government against the protesters. This led to the creation of the movement of rebels composed by the Free Syrian Army, a group of army dissenters and a group of armed civilians that united in order to defend the population against the brutality of al-Assad's orders and who wanted a change in the government (Gutierrez, 2015, Ortega, 2015). Another actor in this civil war was the Syrian Kurds as Kurdish people have been historically discriminated in terms of citizenship rights and the lack of freedom of expression. As a result, with economic support of the US, they became a military power in this country who have been fighting against the al-Assad regime (Gunes & Lowe, 2015:3).

In 2013, the Harakat al-Sham al-Islamiyya (Islamic Movement of the Free Men of the Levant), Jaysh al-Islam (Army of Islam), Suqour al-Sham (Falcons of the Levant Brigade), Liwa al-Tawhid (Brigade of Oneness), Liwa al-Haqq (Right Brigade), Kataib Ansar al-Sham (Supporters of the Levant) and the Kurdish Islamic Front, who were the seven main sunni islamist rebel groups, united and formed the Islamic Front which was made of 45000 members. Their mission was to bring down al-Assad and build an Islamic State. This group was allegedly funded by Saudi Arabia (Escola de Cultura de Pau, 2014:1).

It must also be mentioned that terrorist groups as Daesh and Al-Nusra, who was previously Al-Qaeda's branch in Syria until its separation in 2016, and Al-Qaeda have been part of the armed conflict as support to the opponents of al-Assad regime (Escola de Cultura de Pau, 2014:1). Daesh or the Islamic State was formed by Abu Musab al-Zarqawi who is a Jordanian terrorist that gained even more monetary resources from anonymous donations, foreign combatants and media exposure in the occupied Iraq in 2013. He was part of Al-Qaeda in Iraq in 2004 in which he got assets, men, and the crucial legitimacy for his plan's extension (Plebani, 2016:36). It has been expressed that Daesh's desire is to overthrow the Syrian government, to establish an Islamic State and to set the Sharia as the law and according to their ideology, they wanted to spread the jihad (Gutierrez, 2015:101). Moreover, this has caused an increase of jihadist trends in Syrian territory (Lynch, 2013:1).

Daesh's strategy consisted of indoctrination of its ideology, forcing of its severe and radical religion on people and the terrorist group that co-opted the Syrian and Iraqi population. Daesh members imposed several prohibitions, they forced the reclusion of women in private spaces. In addition, their adversaries are often decapitated, murdered and attacked. It must be mentioned that civilians, who are shiite and alawi, and other combatants were also killed (Escola de Cultura de Pau, 2014:1). All in all, Daesh managed to control a territory between 40 000 and 90 000 square kilometers in 2014 and eight million people lived under its control (Escola de Cultura de Pau, 2015:1). As a consequence, Daesh has become a global threat (Lynch, 2013:1).

Subsequently, in Syria the war is among sunni and shiite groups, jihadists, hardline islamists rebels, supporters of the al-Assad government or adversaries of the administration. This map of actors show that religion is an important factor that defines the identity of a group and thus it establishes their interests and agenda (Walt, 1988: 34). Besides the sectarian tensions between Muslims, foreign combatants, mercenaries and external actors as foreign countries also participate in this war (Escola de Cultura de Pau, 2014:1).

### **1.1.3. The participation of external actors in the territory**

Since the civil war started in 2011, numerous actors have participated in the conflict. President al-Assad is a shiite muslim, and therefore his government has the support of Iran and Russia because of the historical background between said countries (Lynch, 2013:1). This responds to historical ties going back to the Cold War; commercial links, as Russia is Syria's biggest supplier, and that in Syrian territory is the Russian military-intelligence base for the Middle East and the Mediterranean (N.S., 2015:1).

Additionally, it should be said that Russia is Europe's main supplier of natural gas and an opponent of Turkey's pipeline project that could had begun from Qatar to Turkey, passing through Saudi Arabia and Syrian territory. Syria refused to be part of this project which showed its support to Russia because otherwise it could have deprived Russia of its role as the supplier to the European market. Nevertheless, the Friendship Pipeline was signed by Syria, Iran, Lebanon and Iraq that achieved to connect said countries. This could increase the offer of gas and thus drive down gas prices. Russia certainly is damaged if this project begins operating, however, as it is formed by its allies there has not been made an official statement (Nader, 2013:1). It is believed that this is an example of interdependence between this group of allies because there are reciprocal effects between them, like the security and business ties, but they are not symmetrical as they do not possess the same resources, power and military force (Viotti and Kaupi, 2012: 144).

It must be mentioned that Russia was supposedly only fighting against Daesh and the rebels because of the official request of al-Assad's government. Nevertheless, the majority of Russian air strikes have not been against Daesh, but to the forces who were against al-Assad regime. This maneuver actually benefited the terrorists because they were closer to the opposition forces and therefore they tended to occupy those territories before the official army forces arrived. The Russian strategy improved its military image and showed the world

that Russia is a power beyond its near borders while helping an ally (Rogers & Reeve, 2015: 3).

Moreover, the US has intervened this territory since 2011 and has been directly supporting the rebels through food rations, arms and training using the argument of the responsibility to protect<sup>2</sup> the population from the al-Assad regime (Mazzetti et al, 2017, De Santiago, 2014). This has happened because the US has accused the al-Assad government of violating human rights, therefore the leader of the “free world” has also put sanctions on the Syrian intelligence agencies and al-Assad’s family members. The EU has pronounced to be against the regime and imposed an arms embargo (De Santiago, 2014: 17). Meanwhile, in the eyes of Gulf States, Syria is considered to be a failed state and Saudi Arabia was allegedly funding groups like Daesh and Al-Qaeda as a way of protecting Sunni population and fighting against an “apostate” government (Lynch, 2013:1). So, the US and gulf countries like Saudi Arabia were backing and supporting the rebels (Lord, 2017:1).

As Daesh grew, in 2014 the US identified the terrorist group as a threat and formed a denominated “Global Coalition” against said terrorist group which is conformed of 74 countries such as US, EU members, Canada, Australia, Japan, South Korea, Egypt, Libya, Iraq, Jordan, Lebanon, Qatar, UAE, Malaysia, New Zealand, Turkey, United Kingdom and international institutions like Interpol, NATO and EU (*The Global Coalition, 2017:1*). The Coalition's’ actions were:

“a military operation in Iraq and Syria, dismantling the group's finances and its economic set-up, averting the flow of foreign combatants, reinforcing balance and the renewal of vital public services to areas released from said group, and showing Daesh’s delusional ideology and account such as its statehood, military accomplishments and the group’s false religious narrative” (The Global Coalition, 2017:1).

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<sup>2</sup> The obligation of states toward their populations and toward all populations at risk of genocide and other mass atrocity crimes (UN, 2017:1).

As a consequence of all the actors in Syria, this country has become the fighting ground of the regional “cold war” with the help of the world’s superpowers. This could be seen with the systematic support from Western countries to the rebels and the backing from Iran, Russia and Hezbollah to the al-Assad regime (Lynch, 2013:1). However, it should not be forgotten the presence of foreign fighters that have been involved since 2011. According to studies, at the end of 2013 there were 11,000 combatants against the al-Assad’s regime who come from 74 countries, mainly from Arab countries, like Jordan, Libya, Lebanon, Tunisia, Saudi Arabia, Afghanistan and Pakistan. Also, there are citizens combating from Western Europe and the Balkans as France, Germany, Belgium and Holland (Escola de Cultura de Pau, 2014:1).

## **1.2. The Consequences on Syrian People**

The violence in Syria, as it has been carried on for a long period of time, has transformed not only the territory but also the people and the institutions (Lynch, 2013:1). In this chapter, the political and socio-economic situation of Syria as well as the human rights violations suffered in the territory will be analyzed. Also, it is important to determine the living conditions and the quality of life that that Syrian people faced during the crisis.

### **1.2.1. Syrian political and socio-economic situation**

After the start of the conflict, the economy of Syria had lost USD 202.6 billion mainly, about 383% of the GDP of 2010 because of sanctions, reduction of enterprise assets, diminution of production, capital flight, mass destruction and looting of social capital (SCPR, 2015). Considering all of these and the continued violence, in 2013, the country’s unemployment rate was of 58% as 3.72 million people lost their jobs compared to 14.9% in 2011 and 12.22 million dependents lost their livelihoods. It should be mentioned that out of those who have a formal job, 55% of them work in the public sector. As a result, four out of five Syrians lived below the national poverty line and almost two thirds of the population survived in extreme poverty as they could not satisfy their basic needs (SCPR,

2015). Since 2011, there has been an expansion of black markets with an increasing dependence on external sources, because this economy survived essentially from imports which were funded through external loans and financial facilities (SCPR, 2015). For instance, in 2013 Iran extended a USD 1 billion credit line to export consumer goods to Syria (Peel, 2013:1).

The Consumer Price Index (CPI) has affected the population as it has continuously risen since 2010. Thus, there was an increase in prices for basic commodities like bread, sugar, and oil derivatives as the government diminished subsidies on these products as an attempt to stop the also increasing budget deficit of 40.5% in 2014 (SCPR,2015). This has happened because the manufacturing and the agriculture sector has shrunk due to the enterprises' destruction, crop and land burning which have led to a decrease of production and the rising prices (De Santiago, 2014:21).

It is suitable to point out that in 2015 Daesh took over the city of Palmyra where is located a gas plant and fields. This was a strategic win for the terrorist group because they had control over a substantial part of the country's energy resources, infrastructure and revenue (Sayigh, 2015). This last part certainly hurt President al-Assad because Daesh deprived 45% of its gas and electricity resources for a whole year before the Syrian Army, with help of a Russian operative took back control of the city and the gas fields (Sayigh, 2015). This together with the decrease of oil exports due to the imposed sanctions, has reduced the revenues of al-Assad's government (De Santiago, 2014:21).

In terms of the political situation, Syria's membership in the Arab League was suspended in 2012 (Ministerio de Asuntos Exteriores y de Cooperación de España, 2016:1). In foreign policy, the international community is divided by their political positioning: those in favor of the regime, like Russia, Iran and China, with which Syria has strengthened bonds. Those against the regime, like Western democracies and its international organizations. These countries have mentioned that military intervention would benefit Syrians and their democracy (De Santiago, 2014, Heydemann, 2013).



Syria's national strategy was to reinforce the alawite and non-muslim communities as they were the base of the government. The country's security plan consisted of a reshaped security and military policy which was achieved by a controlled Internet and telecommunications infrastructure. This is used to distort means of communication between the opponents, rebels and terrorist groups while also spreading the regime's ideas and official statements (Heydemann, 2013: 55-56)

Inside borders, al-Assad government had support from the population. In 2012, a poll showed that 55% was in favor of the government (Steele, 2012:1). In 2017, the perception of Syrians was one of equal anger towards al-Assad's government and the terrorist groups. However, the residents seemed to think that supporting the regime was the only way to regain normalcy and most of them did not want to criticize it (Vohra, 2017:1). One can infer that the official government profited from war weariness, the lack of action from the political opposition, the destruction caused from rebels, and the desire for basic services by the population.

At this point it is important to highlight that the political opposition was internally divided in factions and did not achieve compromises or concessions because of the fear of marginalization; the loss of influence and authority; and the competition, intimidation and coercion between factions which did not seem to end (Downes, 2013: 35-37) One can infer that until cohesion in the opposition is achieved, al-Assad government will continue to rule and decide in Syria.

### **1.2.2. Human Rights' Violations**

Since the beginning of the conflict, all the actors previously mentioned have violated human rights. Daesh, throughout its advance in Syria, has committed all kind of violations such as:

“decapitations of hostages, enslavement, torture and inhuman and degrading treatment, forcible transfer causing serious bodily and mental

harm the infliction of conditions of life that bring about a slow death, massacres, executions, mass kidnappings, use of sexual violence, sexual slavery, indiscriminate attacks on civil population, persecution of religious and ethnic minorities- between them shia Muslims, yazidis, Christians and Turkmen-, forced conversions to islam, forced displacement of thousands of people, restrictions on the population, limiting the presence of women in public spaces and applying severe corporal punishments as lashes, beatings, stoning and even crucifixions” (Escola de Cultura de Pau,2015:1).

Regarding human rights violations, it is important to consider the incident of August 21<sup>st</sup>, 2013 in which a chemical attack, the use of sarin gas, killed more than 1400 people near Damascus. The use of chemical weapons is a violation of international law. The alleged culprit was Bashar al-Assad (De Santiago, 2014:12-18). This event induced a UN mission to investigate this accusation and its results showed that, indeed, the nerve agent Sarin was used in Ein Tarma, Moadamiyah and Zamalka in the Ghouta area of Damascus against the civil population and even on infants as it could be seen on the environmental, chemical and medical samples (Security Council, 2013:8). Nevertheless, according to Amnesty International the al-Assad regime was also guilty of the attack that killed at least 28 people on August 1<sup>st</sup> 2016 in which official airplanes threw 2 bombs with chlorine gas over a residential area controlled by the armed forces in Saraqeb (Amnesty International, 2016:1). Hence, the number of chemical attacks has not diminished in Syria as can be seen in Annex 1.

The Office of the High Commissioner of Human Rights of the UN (OHCHR) has denounced actions of Syrian and Russian forces because reports pointed to them as responsible for air strikes without announcements to hospitals, schools, and markets. Consequently, civilians were trapped without adequate food or medicine. Regarding the attack on the United Nations/Syrian Arab Red Crescent humanitarian convoy in September 2016, in Orum al-Kubra, the investigation pointed out as responsible for a deliberate strike to the Syrian Air Force which caused the death of 12 aid workers and the destruction of 17 trucks that contained vital aid supplies. Additionally, the supranational organization has

accused some armed groups from withholding humanitarian aid and resources where they were operating. All these events constituted war crimes (OHCHR, 2017:1)

Additionally, the Syrian government has been accused of kidnapping, disappearances and torture to dissidents and pacific opponents, like Noura Aljizawi, an activist that was held for seven months by Syrian police in 2012, where she was beaten and shocked with electrical rods (OHCHR, 2017:1). Up to this day, the government has thousands of people imprisoned without trial, some through enforced disappearance. At least 75,000 Syrians were missing since 2011 and about 13,000 deaths occurred in Saydnaya prison in the period 2011-20015 (Amnesty International, 2016, Vohra, 2017:1). Thus, tens of thousands people were unacknowledged by the official Syrian forces since 2011.

The United States and its coalition have also attacked civilians due to indiscriminate or excessive air strikes that caused 101 deaths in Al Tujar and Al Ghandoura on July 2016. Also, the US admitted generating the death of 24 civilians nearby Manbij. However, according to its official pronouncement the assaults have 'respected the law of armed conflicts' (Amnesty International, 2016:1). Moreover, Airwars reported that data from Syria is not accurate, but that the US is responsible for 68% of all airstrikes against Syria and the rest of the coalition for 32%. It must be highlighted that the Syrian Government and Daesh do not record or publish death tolls. Therefore, there is no data from them (Roberts, 2017:1).

### **1.2.3. Quality of life during the crisis**

The war had certainly had an impact on the population. In order to understand the situation, it is important to know that in 2010, Syria's GDP was of USD 5,000 per capita with a growth rate of 2%. In the social aspect, 90% of Syrian children attended primary schools. Therefore, 9 in 10 Syrians had achieved literacy. However, this panorama changed during the war because most of the Syrians from rural areas traveled to the cities seeking for work, security and food.

But they found out that the situation there was not perfect as there was food and water scarcity as well as few jobs. Moreover, displaced Syrians had to look for resources as well as the 250,000 palestinians and about 100,000 iraqi refugees (Polk, 2013:1).

By 2014, 52.8% of the population was forced out of their homes in search of somewhere peaceful to live in. Also, the population has been reduced in a 15% from 20.87 million Syrians to 17.65 million by the end of 2014 and the life expectancy at birth was reduced by 20 years from 79.5 years in 2010 to 55.7 years in 2014. In active zones of conflict there was an increased mortality rate due to hunger, malnutrition and even death by starvation (SCPR, 2015). Moreover, it should be mentioned that 4 out of 5 Syrians lived in poverty and 64.7% of the habitants lived in extreme poverty, therefore they were unable to get basic food and items necessary for survival. In addition, 50.8% of children in school age have not attended it in the school year 2014-2015 (SCPR, 2015). Also, UNICEF <sup>3</sup>has warned that about 40000 children are living in active conflict zones in Raqqa (World Vision, 2017:1). As a consequence of all this, when compared 2010 Syria's Human Development Index to the 2014 index, it has fallen in 31% (SCPR, 2015). This shows the deterioration of Syria's education, health and income indicators.

As violence escalated, more than 250,000 people have died according to the UN until 2016. Nevertheless, other organizations calculated almost 500,000 deaths and 1.2 million injured people. It is important to highlight that by 2013, 3.5 million Syrians were internally displaced and by 2016, this number grew to more than 6.3 million people and 4.9 million were officially registered as refugees (World Bank, 2017:1). Finally, the quality of life in Syria has decreased up to the point where the inhabitants could not have a dignified and safe existence.

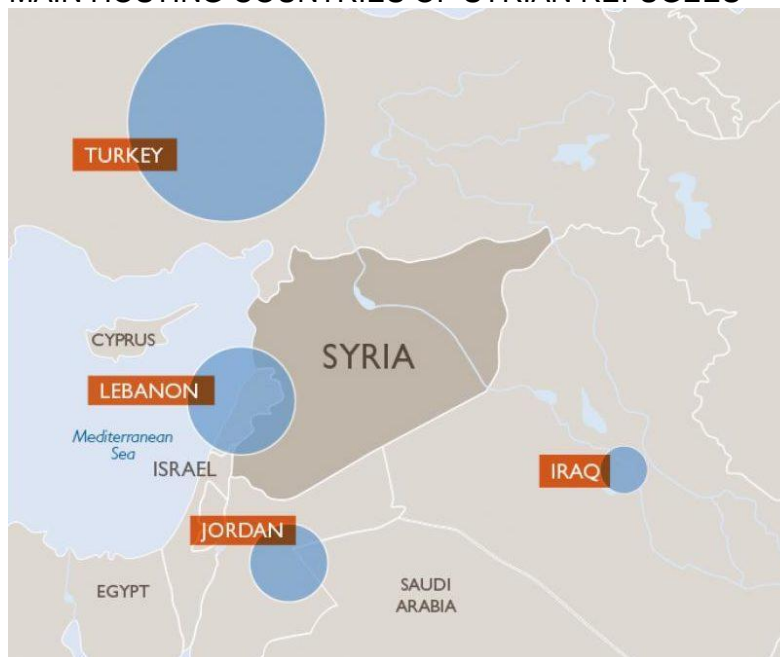
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<sup>3</sup> The United Nations Children's Fund

### 1.3. Humanitarian Crisis

The ongoing violence, deterioration of living conditions, low quality of life, the loss of livelihoods, the lack of basic services, the scarcity of food and water, the collapsed infrastructure and the never-ending danger and distress of Syrians showed the humanitarian crisis in this country and they were also push factors that forced Syrians to leave the country (World Vision,2017:1). Consequently, Syrians were fleeing the country as they looked for opportunities to improve their livelihoods. Among the receiving countries of refugees, we have Lebanon, Egypt, Turkey, Iraq and Jordan who were struggling to manage the number of refugees. However, as the conflict has not ended, one can infer that the number of Syrian refugees would only increase, that means even more refugees than the 11.6 million people that have already fled which includes 1.7 million refugee children (Amnesty International, 2017:1).

GRAPHIC 1  
MAIN HOSTING COUNTRIES OF SYRIAN REFUGEES



Note: The size of the blue circle represents the number of refugees in their countries.

Source: World Vision (2017).

Elaborated: World Vision (2017).

This is why in this subchapter the mass displacement of Syrian people will be analyzed, the way the international community has reacted to the crisis, and if the aid has arrived to those in need.

### **1.3.1. Mass displacement of Syrians**

As mentioned above, the consequences of war, the low national standard of living, violence, the scarcity of food and water, the destruction of the healthcare systems, schools, and sanitation systems, insecurity and the increasing army of troops and militias in Syria has caused that this population seek for protection elsewhere (World Vision, 2017:1). Therefore, they left everything behind and without a stable source of income these displaced people depended on domestic and international humanitarian assistance. The psychological effects of this provoked the loss of the PNIP<sup>4</sup>'s dignity and their basic human rights, especially the right to a decent life (SCPR, 2016:9). The pursuit for a better and safer place to live in has prompted Syrians to leave their motherland. However, they often became victims of human trafficking, and they lived in overcrowded places or even suffered major accidents, for example: shipwrecks while crossing the Mediterranean (Escola de Cultura de Pau, 2014:1).

In 2014, the country that received the biggest number of Syrian refugees was Turkey with 37.5% of the total number of the refugees, then came Lebanon with 35.6%, 14.1% of refugees went to Jordan, 4.8% of them traveled to Egypt and 4.6% to Iraq (SCPR, 2016:9). These numbers have changed by the end of 2016; there were 5.1 million refugees that have escaped from their country to their neighbors. There were 3 million Syrians in Turkey, 1 million in Lebanon, 660,000 in Jordan, 242,000 in Iraq and 122,000 in Egypt (World Vision, 2017:1). Moreover, the people in need of humanitarian assistance inside Syria were 13.5 million, 6.6 million were internally displaced and 4'815.540 Syrians were awaiting refugee registration (European Commission, 2016:1). It must be highlighted that even if the numbers of migrants had increased, it has been in a slower pace than

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<sup>4</sup> People in need of international protection (Refworld, 2017:1).

at the beginning of the conflict. This happened because the people with means to travel and run away have already done so (SCPR, 2016:9).

Furthermore, since the beginning of the crisis in 2011, the collective interest of Syrians was refuge and security and they sought them in other countries, but mainly in the EU. This happened because of their identification and conception of the EU which also had pull factors as relative peace, security, tranquility, high standard of living, job opportunities and availability of basic services, even if Syrians lacked the knowledge of the languages (Wendt, 1999: 384-396). In the 2011-2014 period, only 7,000 refugees were resettled by UNHCR in the EU of the 150.000 Syrian applications (Amnesty International, 2014:1). Then at the peak of the European migrant crisis in 2015, 1.3 million Syrians requested asylum in Europe. (World Vision, 2017:1). As a consequence, the EU established the European Resettlement Scheme in 2015 in order to set a common European response and to resettle a larger number of refugees. In this program, its members have promised to settle more than 22,000 refugees until 2018 and in July 2016, 8.268 people had been resettled in the EU countries and 1,194 were resettled under the Syrian Vulnerable Persons Resettlement program (NAO, 2016:12).

Nevertheless, the receiving countries did not have the facilities to accommodate so many people as there was an absence of shelters in the necessary conditions, food insecurity, lack of access to health care and education, and the deficiency of job opportunities was a detriment to the refugees because they only increased the vulnerable position of PNIP who were mainly women and children (Escola de Cultura de Pau, 2014:1). Also, it should be considered that Syria's neighbor countries were reaching saturation points and in the future could not receive more refugees (European Commission, 2016:1).

The displacement, migration and the asylum process can generate alteration in the family structure because of separation and the loss of family members due to the conflict. Considering the loss of their possessions and the opportunities, the lack of decent living conditions and need to ask for

humanitarian assistance devalue the refugees' dignity and self-respect which consequently can form tensions with the host population (SCPR, 2016:9).

### **1.3.2. Reaction of the international community to the crisis**

The UN Security Council has reacted to events in Syria through resolutions that wanted to end the conflict and protect human lives. Consequently, the General Assembly has made strong recommendations to respect human rights, to end the conflict and to implement a procedure for the conflict resolution, as well as a peaceful transition of power. In 2013, the UN General Assembly passed a resolution which condemned the use of chemical weapons and the creation of a commission to further investigate these claims. This allowed to prove the use of the weapons in Syria (UN, 2013:1). The hierarchy of the international agenda changed in order to prioritize the Syrian Refugee Crisis and relegated sustainable development to a secondary level of attention. This shows that there is no specific or pre-established agenda in an interdependent system (Keohane and Nye, 1988: 41). Additionally, there have been three resolutions at the Security Council to sanction al-Assad's government. Nevertheless, China and Russia vetoed them (De Santiago, 2014:40).

The UN led the first World Humanitarian Summit (WHS) on 23-24 May 2016 in Istanbul, in order to establish a global approach towards forced displacement, refugees and host countries. Then, the New York Declaration for Refugees and Migrants was signed on September 19th that exposed the countries' compromise to save lives and shared responsibility on global issues (Refugee and Migrants, 2016:1). Furthermore, the UN has performed several conferences in order to ask for monetary resources from donors. In Kuwait 2013, Saudi Arabia, EU, US and United Arab Emirates pledged to donate USD 1.500 million in order to alleviate the humanitarian crisis in Syria (De Santiago, 2014:30). Also, the UN sent an envoy to Syria in 2012 with the aim to establish Peace Talks. During these talks, the Geneva Plan was proposed that consisted on an agreement to a cease-fire, the start of a Syrian-led political process towards a transitional government and the establishment for democratic elections.

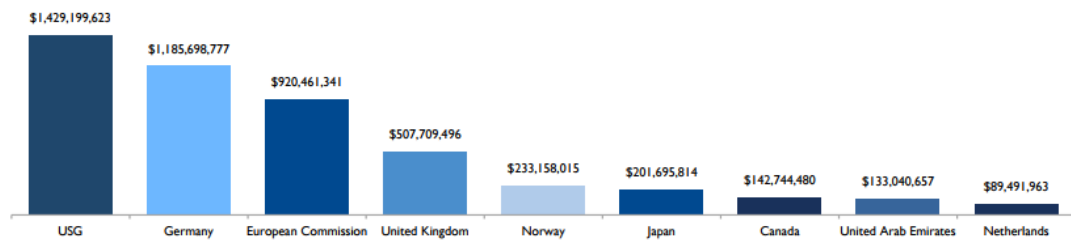


Nevertheless, al-Assad did not participate nor did the rebels. This rendered the Geneva Plan ineffective and was not put into action (Laub & Masters, 2013:1).

On February 2016, during the London conference 'Supporting Syria' the European Commission promised over EUR 3 billion to provide life-saving assistance such as food, drinkable water, non-food items, shelter and emergency medical treatments. This was pledged in addition to the EUR 5 billion that the EU has funded in humanitarian programs in Syria and countries that host Syrian refugees like Lebanon, Jordan, Iraq, Turkey and Egypt (European Commission, 2016:1). Also, the EU had put sanctions to al-Assad's government that included assets freezing, travel prohibition, embargoes on communications surveillance and a restriction on imports of Syrian oil and on exports of oil production appliances (Laub & Masters, 2013:1).

The official position of the US has been to denounce al-Assad's actions and has called for his resignation in 2011. Former president Obama established the executive order 13582, that commanded the freezing of Syrian funds and assets, a ban on US citizens to do business transactions with the regime, a prohibition on the import of Syrian oil products and a blockage on the properties of 7 government officials (Laub & Masters, 2013, FAO, SCPR, 2013). Regarding the humanitarian crisis, the US Government has implemented programs through its cooperation agency USAID to establish aid and humanitarian programs in Syria. In 2016, the US has given USD 1.429'199.623 for humanitarian funding and in the period of 2012-2016 the US has given USD 5'978 995.857 (USAID, 2017:1). The following graphic shows the funding per donor in US dollars for the Syrian humanitarian crisis.

GRAPHIC 2  
2016 HUMANITARIAN FUNDING PER DONOR



Source: USAID (2017).  
Elaborated by: USAID (2017).

### 1.3.3. Aid effectiveness for the affected people

Despite the efforts of foreign countries to help Syrians, aid has not been as effective as planned because at the end of 2016, the conflict remained and also its consequences. The international community pledged to increase its refugee quotas. However, Gulf States, Japan and China have not received a refugee from Syria (Amnesty International, 2014:1). Spain denied visas to 500 Syrian refugee students from Jordan and Lebanon, Russia has received only two Syrians and New Zealand has accepted 100 Syrian refugees from its 750 quota (Amnesty International, 2017, OXFAM, 2016). Also, the United States admitted 18 000 Syrian refugees in the period of 2011-2016 (World Vision, 2017:1). On the contrary, the only country to fulfill its promise is Canada as 35 000 Syrians have been resettled in 2015, that is 248% of its quota.

The EU, except Germany, has offered resettlement for 0.17% of refugees that were in host countries. Nonetheless, only 7,000 refugees were resettled by UNHCR in the EU of the 150.000 Syrian applications in the 2011-2014 period (Amnesty International, 2014:1). Germany and Sweden have received the largest number of refugees with a total of 96.500 which represents 64% of the application in the EU by 2014. Nevertheless, the UK, France, Italy, Spain and Poland, which are the largest from said union of countries, have offered to resettle just 2,000 Syrians (Amnesty International, 2014:1).

The EU established the European Resettlement Scheme in 2015 in order to set a common European response and to resettle a larger number of refugees. As a consequence, its members have promised to settle more than 22,000 refugees until 2018 and in July 2016, 8,268 people had been resettled in the EU countries and 1,194 were resettled under the Syrian Vulnerable Persons Resettlement program (NAO, 2016:12). However, some member states refused to implement the relocation system (Real Instituto Elcano, 2017:1).

Meanwhile, the number of refugees in Lebanon represented 26% of the country's inhabitants in 2014. This number was 715 times more the total of Syrians who sought refuge in the EU during 2012-2014. Also, 150 000 was the number of Syrians that crossed the Turkish border in a week in September 2014 (Amnesty International, 2014:1). This shows the ineffectiveness of refugee quotas because countries with resources, like the UK, did not fulfill its compromise of resettlement as they only ended up receiving a paltry number of refugees, compared to the number of refugees in host countries as Lebanon and Turkey.

Moreover, the UN has implemented aid programs in Syria. The organization sent convoys with food, health, and water, sanitation, and hygiene assistance. During the month of January, the UN sent 6 convoys in order to assist 400,000 people in Ramtha, Syria and its aid helped 24% of the 5 million people who were in distant locations. UNRWA<sup>5</sup> built 21 learning spaces in displacement sites that aimed to provide self-learning materials to displaced students (USAID, 2016:1). However, monetary contributions from donors have not been enough and thus the World Food Program (WFP) in 2014 had to suspend its food aid to 1.7 million refugees due to lack of funds (Amnesty International, 2014:1). Then, through fundraising and a partnership with USAID, the WFP realized 127 airdrops of multi-sector assistance that achieved 2,300 metric tons of mixed food commodities, including food rations, date bars, salt, and yeast. WFP has airdropped 100 MT of relief commodities, including medical kits and water

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<sup>5</sup> United Nations Relief and Works Agency for Palestine Refugees in the Near East

purification tablets to provide two months of foods rations to 110,000 people (USAID,2016:1).

Regarding the living conditions of refugee in relocation camps in Turkey, it must be mentioned that Turkey received €3 billion from the EU to accommodate the needs of refugees (European Commission, 2016:1). However, 23 camps in charge of the Disaster and Emergency Management Authority were not enough to accommodate the 3.3 million Syrians under temporary protection in Turkey and in 2016 only 250 000, that is less than 10%, lived in said camps with access to shelter, education, water, food and health services (Safeworld, 2016, European Commission, 2016). The Syrian refugees outside the camps faced challenging situations because they did not know the language, lacked the working permits, were unemployed and thus they had poor living conditions (Alamillos, 2016, Safeworld, 2016). It is believed that there is much to do because 90% of Syrian refugees in Turkey were in a vulnerability situation and it is responsibility of the international community to offer them a secure place to live in with dignity as established in the Human Rights Declaration.

At the end of this chapter, the first objective of this dissertation, which was to identify the condition of Syrians migrants seeking refuge, has been accomplished. First, it is important to understand the participation of the al-Assad family in Syria's politics that generated the uprising of the population in 2011. Furthermore, the actions of third actors in this conflict, because in the ongoing Syrian crisis are not only Syrians involved, but armed groups, mercenaries, terrorist cells, and foreign countries. Therefore, this conflict is complex, as well as its consequences. The analysis has shown that the necessity of Syrians to run away from the never ending violence, seeking protection and livelihoods in other places. Thus, the mass displacement of Syrian refugees. Moreover, the international response and its effectiveness that show that aid, refugee quotas, monetary contributions are not really improving or saving Syrian lives were analyzed. These topics were considered necessary in order to accomplish the chapter's previously mentioned objective.

## **CHAPTER II**

### **ERDOGAN, GOVERNMENT AND POLICY**

#### **2.1. Erdogan's government and the AKP's influence**

In this chapter, the influence of Erdogan and his party in politics, especially in relation with the EU was analyzed. Since 2002, the Justice and Development Party (AKP) is the largest party in Turkey and its candidate, Recep Tayyip Erdogan, became president in 2014 in the first direct presidential elections with 52% of the votes in which 74% participated of the 77 million inhabitants. He was previously the Prime Minister for 11 years and has vouched to make Turkey the 10th biggest economy from the world's 17th economy (Arab Center for Research and Policy Studies, 2014:1-2). One can infer that this is the result of Erdogan's leadership skills, his public speaking expertise, the APK's strength and its mobilization (Duran, 2013:95).

President Erdogan has become a controversial figure in world politics because for some he is a role model, while others consider him to be an authoritarian president who has a hidden agenda. Erdogan shows ambition and populist traits. However, he is the leader of a democratic country and has improved Turkey's economy (Arab Center for Research and Policy Studies, 2014:3). This is why in this subchapter will be analyzed the AKP, its ideals and agenda, as well as Erdogan's intolerance of criticism and change.

##### **2.1.1. The perseverance of the AKP party in politics**

Since the creation of the AKP, the party has won consecutive victories in 9 parliamentary and municipal elections, 1 direct presidential election and 2 popular referendums on constitutional amendments. In the period 2002-2015, the party had formed governments of its own accord without the need of coalitions (Arab Center for Research and Policy Studies, 2014, 2015).

In 2011, Erdogan became Prime Minister with 49.9% of all votes (Letsch, 2011:1). Even though Erdogan had to face a crisis due to several accusations of corruption in his government, strikes, criticism over his authoritarianism and the

purging of state institutions, like the judiciary and the police; however, his popularity did not decrease (Arab Center for Research and Policy Studies, 2014:3). Then, in 2014, the first direct presidential elections were held and Erdogan won with 51.79% of the votes (Ozbudun, 2014:1). Also, in the same year, there were local elections for authorities in which the AKP won with 45.5% of all votes (Rodriguez, 2014:1). This was an improvement because in 2009, the AKP had 38% of the votes. It must be highlighted that said party gained votes from Kurdish areas and some coastal cities, which have been primary supporters of Turkey's secular and nationalist parties (Arab Center for Research and Policy Studies, 2014:1). Thus, the AKP succeeded in 49 out of the 81 municipal districts, compared to 47 in the 2009 elections (Arab Center for Research and Policy Studies, 2014:2).

In 2015, the Turkish population was called to vote in the June 2015 General Election to select the members of the Grand Assembly in which the AKP won with 40.78% of the votes. Nevertheless, the party lost the absolute majority of the Turkish Assembly for the first time since its creation in 2002 (Toykur, 2015:1). The voting gave the AKP 258 seats of the 276 seats needed to form a government without coalitions (Arab Center for Research and Policy Studies, 2015:1-2). One can infer that the decline in votes is a consequence of the walkout of 70 deputies from the party, Erdogan's election as President with Ahmet Davutoglu as head of the party and the government, the differences inside the party, and Erdogan's calls of support for the constitution's change, instead of the general elections. This represented a change in the organization of the AKP, which was seen positively by the population (Arab Center for Research and Policy Studies, 2015:2). As a result of this election, the AKP made an assessment and changed its discourse, plan, and government priorities (Kaddorah, 2016:9).

For months, the parties tried to form a coalition, but failed to do so. Hence, the November 2015 General Election, in which the AKP won with 49.48% of the votes, had the vote of 4.5 million more people, compared to the elections in June. These enabled the AKP to form a government with the majority of the Assembly that is 317 seats of the 550 seats (Toykur, 2015:1). The victory showed the

approval of the population in the AKP's political agenda, especially its foreign policy which had been previously criticized. After this success, a policy of consensus politics was established by the said party that aimed to safeguard domestic peace and continue to play a regional role with regard to security threats (Kaddorah, 2016:1, 8).

It is important to mention that the continuous AKP presence in the political Turkish scene is due to the people's support. This happened because of the Turkish population's acceptance and agreement to the AKP's plan for Turkey. As the AKP and the almost 50% of the population, who continues to support the party at the polls, have the same conception of the ideal Turkey and they share common interests. Consequently, when the AKP is in office, their actions are based on the common interests shared by their followers and their political agenda. For that reason, one can infer that identities and national interests are indeed built by social structures as constructivism states (Wendt, 1994: 385).

#### **2.1.2. The fundamental principles, objectives and actions of the Turkish government**

The Justice and Development Party (AKP) has assured to transform Turkey into a tolerant and inclusive country since its foundation in 2002. Its political brand was focused on stability, economic prosperity, and good governance. This is based on social neoliberalism that integrates neoliberal economic premises with welfare state aspects, like public education, medical care and public housing (Duran, 2013, Eissenstat, 2017). The AKP defines itself as a conservative party because the AKP has the conception that Turkey has been and should be a conservative and devout nation, and as such, the party defends change that happens in a natural, progressive process. This has led the AKP to establish a system normalization which involves the end of tutelary practices and the society's liberation (Alaranta, 2015). The term conservative democracy has a political and ideological meaning that frames a nationalist, pro-Western and Ottoman approach that reshuffles Islamists. This is an example of AKP's strategy to use its historical, economic and cultural conditions (Duran, 2013:92).

The AKP also established a policy called by foreign minister Ahmet Davutoglu as no problems with neighbors or good neighborliness which led to the conflict resolution of pending issues with Russia and Greece, and the restoration of relations with former Soviet republics of the Caucasus and Central Asia (Arab Center for Research and Policy Studies, 2016, Ministerio de Asuntos Exteriores y de Cooperación de España, 2017). This policy is complemented with former Turkish President Ataturk's slogan of: Peace at home, peace in the world. This can be seen with the AKP's interest of asserting Turkey's regional role while also improving its export base (Arab Center for Research and Policy Studies, 2016:3).

Turkey's foreign policy has been shaped by Ahmet Davutoglu's doctrine of Strategic Depth that aimed to broaden the country's connections with states that share common historical and cultural ties with its Ottoman past and its relation to the Balkans, Middle East and Central Asia. This doctrine highlighted Turkey's geopolitical role due to its control of the Bosphorus, which is the continental boundary between Europe and Asia, and its strategic location (Rabasa & Larrabee, 2008:76). This scheme has been accepted and promoted by AKP members and has influenced the AKP's policy (RAND, 2008:75-76).

The AKP's foreign policy focuses on two aspects: the pro-Western and the Ottoman approach. Regarding the pro-Western policy, the party has used the EU membership process to show its democracy, its interest towards a Western integration and thus to form an alliance of civilizations while securing business partners (Duran, 2013, Rabasa & Larrabee, 2008). Consequently, Turkey's agenda with western countries is focused on human rights, development and democratization. This has allowed Turkey to improve its relation with the US (Duran, 2013:96).

Concerning the Ottoman and Islamic approach, Turkey's objective is to achieve more integration in the Middle East with the Islamic world using the common Islamic civilization. This ambiguous concept is utilized to avoid issues and sectarian polarization. The AKP seeks to transform Turkey into a central



country with a constructive role in the region (Duran, 2013:93). Furthermore, the AKP's government also has a critical approach towards Western powers because of the injustices in the region and of the international order. For example, Prime Minister Erdogan criticized the disregard of justice by Islamophobia, Israel's actions, how the West supported it and he has called for solidarity and unity among Islamic countries (Duran, 2013:94, 96). One can infer that these declarations secure and legitimize Turkey's agenda with the Islamic countries.

It must be mentioned the impact of Erdogan's conception of Turkey because as constructivism explained ideas and ideational factors can become socially causative (Ruggie, 1998:857). In this case, based on Erdogan's speeches, his image of Turkey is of a great nation and a strong state. Therefore, Erdogan has combined nationalist and Ottoman elements in his speech often referencing to Seljuk and Ottoman sultans to transmit his ideas to the Turkish population. Thus, he is shaping the national idea of how Turkey should be and that it must be restored as a strong country (Duran, 2013:93).

### **2.1.3. Erdogan's intolerance**

There have been legal claims of Erdogan's intolerance and a democratic decline in Turkey. This is the result of the AKP political strategy, its control over important institutions and the regulations that have given the AKP advantage over other parties, so that Turkey is a one party state. Consequently, there has been deterioration over its democracy as most of the opposition has been arrested or daunted. For instance, Fethullah Gullen is a former Erdogan ally and a cleric, who is accused of orchestrating the failed coup of 2016. He is living in a self-imposed exile in the US (Dombey et al. 2016:1). Furthermore, Ahmet Davutoglu is Turkey's former Prime Minister and an academic who wrote the Strategic Depth doctrine which later became Erdogan's foreign policy base. However, when PM Davutoglu began distantiating himself from the AKP's discourse, Erdogan limited Davutoglu's power and functions. This led to his resignation in 2016 (RAND, 2008, Eissenstat, 2017). There has also been an increase in the number of repression cases authorized by Erdogan after the failed coup of 2016 because since then more than 6,000 opponents or presumed opponents of the

government have been jailed and more than 100,000 civil servants have been dismissed from their state jobs (Eissenstat, 2017:1).

While Erdogan has promised to do everything necessary to enter the EU, he has pushed for laws that weakened the checks and balances of military constitutional enforcement and has attempted to limit police powers (Eissenstat, 2017, Human Rights Watch, 2014). Also, its government has looked away from Turkish military's abuses (Eissenstat, 2017:2).

AKP's influence and the lack of independence of the judiciary and the undermining of the rule of law could be seen with the released 21 journalists after months of pre-trial detention. However, then, the State prosecutor objected and the journalists were imprisoned once again and the three judges on the case were suspended (Eissenstat, 2017:14). Meanwhile, the official government has incremented the power of the executive over the institution that administers the judiciary. Consequently, the AKP's government has been able to reassign judges, State attorneys and police officers. In 2014, police officers were arrested by the authorities; said policemen were investigating government members (Human Rights Watch, 2014:2).

In 2016, a report of Transparency International, an anticorruption organization, assessed that AKP has domination over Turkish institutions, like the ombudsman, media, judiciary and legislature which constitutes erosion of the rule of law and the democratic processes' functions (Eissenstat, 2017:8-9). As the media and the judiciary are overseen by the AKP, their role as the government's watchdogs for abuses of power is compromised (Eissenstat, 2017:14). Another case of AKP's hand into the rule of law was the police report of corruption between senior government officials and their family members in December 2013, to which the government sought to suppress the scandal's information via YouTube and Twitter bans (Human Rights Watch, 2014:1). Thus, the government has been trying to mute social media and traditional media from communicating on the issues (Human Rights Watch, 2014:2)

Regarding freedom of speech, places for expression and pacific opposition have been systematically closed and criminalized (Eissenstat, 2017:14). For example, journalists, commentators and media workers who are critical to Erdogan's government were dismissed or forcibly removed from their positions in the period 2013-2014 (Human Rights Watch, 2014:5). Also, the authorities have pressed charges on 5.500 Gezi manifestants, as they are the main opposition, because of their participation in unapproved protests, refusing to cooperate with the police and vandalism (Human Rights Watch, 2014:5).

After the failed coup in July 2016 mentioned in chapter 1, the state of emergency has been renewed every 3 months. As a consequence, there have been curfews, a prohibition on public meetings, the shutting of news media and NGOs, apprehensions of people up to 30 days without charge while their family members' passports are confiscated and imposed with travel bans. Since that date, detained foreigners have been withheld from diplomatic staff (Eissenstat, 2017:13). According to the Minister of the Interior, this was the situation for approximately 47,155 people who were arrested and over 100,000 were detained. Also, licenses were withdrawn from tens of thousands of teachers and approximately 3,000 judges and state attorneys were suspended, and then they were removed from their positions (Eissenstat, 2017:23).

Wendt assumes that the actor's identity creates interests which are to maintain its physical security (Wendt, 1999:385). Therefore, in this case, Erdogan was doing everything possible and used all available resources to preserve his power and perpetuate his official position as the President of Turkey. Thus, the repression, the limitations on the freedom of expression, on media, and on freedom of assembly, showed the erosion and the weakened human rights protection which are a collateral result of his main interest. Also, it should be mentioned that the loss of confidence in criminal justice has caused a profound political polarization due to the lack of action in face of the corruption allegations in the AKP.

## 2.2. Turkey's geopolitics

Turkey's geopolitics is based on Ahmet Davutoglu's concept of the Strategic Depth. Also, this is considered to be Turkey's foreign policy strategy because the term focuses on using the country's geostrategic location, its control of the Bosphorus, its Ottoman legacy in order to play an active role in the Middle East, while also maintaining allies on the West (Arab Center for Research and Policy Studies, 2016, Rabasa & Larrabee, 2008). This is why in this subchapter will be analyzed the Turkish socio-economic background, its dependency with the European Union and finally, the objectivity between the Turkish-European policies.

### 2.2.1. Turkish socio-economic background

Traditional Turkish economy was known to be unstable and have structural deficiencies, but since 2001, the Turkish economy has proven to be resistant and thus have quick recovery in times of crisis (Ministerio de Asuntos Exteriores y de Cooperación de España, 2017:7). Nevertheless, the deterioration of the business climate, the weakness of the Turkish lira, the low economic growth of the Eurozone, US policy readjustment, Russia's recession and conflict in neighboring countries like Syria and Iraq have caused the Turkish economy to slow down (Santander Trade, 2016:1).

TABLE 1  
TURKEY'S ECONOMIC INDICATORS IN THE PERIOD 2011-2016

Economic Indicator	2011	2012	2013	2014	2015	2016
GDP (thousands of millions of USD)	832,55	873,98	950,6	934,07	859,04	857,43
GDP per capita (USD)	11.341	11.720	12.542	12.127	10.979	10.787
Real GDP growth	11,1%	4,8%	8,5%	5,2%	6,1%	3,2%
Inflation	6,5%	8,9%	7,5%	8,9%	7,7%	7,8%
Unemployment rate	8,8%	8,2%	8,7%	9,9%	10,2%	10,8%

Source: OECD (2017), Santander Trade (2016), Trading Economics (2016), World Bank (2017).

Elaborated by: Penélope Astráin

As can be seen in Table 1, the Turkish economy grew in the period 2011-2013, but then decelerated in 2014 to 2016. Also, the unemployment rate increased in 2013 to 2016 in 0.9%, which could be related with the entry of refugees in the country. Nonetheless, the inflation has decreased as a result of the anti-cyclical policy established by the government. Even if there has been a deceleration of the Turkish economy because of previously mentioned factors, its real GDP growth is 3,2% and is still in the positive numbers. This in fact shows the resistance of this country's economy.

Concerning social indicators, Turkey has a population of 79,51 million with a life expectancy of 75 years and their GNI per capita is of 888,82 USD (World Bank, 2017). Furthermore, the quality of the health, educational system are below the OECD<sup>6</sup> average and the air pollution is higher than the OECD's average and recommendation (OECD, 2017). Turkey's social indicators are the lowest of the OECD, but the government's response is to improve Turks' quality of life with the implementation of the 2030 Agenda for Sustainable Development (Turkey's Ministry of Development, 2016:10-12).

Turkey is a transit country and this has effects on its people. For instance, Turks were changing their attitude and helpfulness towards Syrians in Turkey due to the lack of job opportunities and the rising demand of rent which has risen because of the large presence of Syrians. Moreover, there were 3.5 million Turks unemployed in 2016 while many Syrian people were being hired with lower salaries as cheap workforce. Hence, there was rising tension between the hosting communities and the refugee population (Alamillos, 2016:1, Safeworld, 2016:1). Another point to consider is the cost of hosting refugees because until 2016 Turkey spent EUR 25 billion for Syrian refugees (Çetingüleç, 2016:1). That is separated from the EUR3 billion that the EU gave to Turkey in order to accommodate the needs of refugees (European Commission, 2016:1). Nonetheless, it has not been enough because the 23 refugee camps were not enough to accommodate the 3.3 million Syrians under temporary protection in

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<sup>6</sup> The Organisation for Economic Co-operation and Development

Turkey and in 2016 only 250 000 Syrians, that is less than 10% live in said camps with access to shelter, education, water, food and health services (Safeworld, 2016:1, European Commission, 2016:1).

### **2.2.2. The complex interdependency with the European Union**

The relations between the EU and Turkey are both complex and necessary for both parts. Turkey has continuously sought the EU membership as a European ally, its shared cultural background, its geographic position as a neighbor of Bulgaria and Greece, the precedent of the Customs Union to integrate the Parties, its economic ties and security issues, among others (Ministry for EU Affairs of Turkey, 2017:1).

In 1959, Turkey first asked to enter the European Economic Community. Since then negotiations led to the Ankara Agreement in 1963 that aimed to ensure Turkey's accession through the accomplishment of three phases of a customs union. Then, the Additional Protocol of 1970 implemented tariff abolition and sought to harmonize Turkish law with that of the EU on economic issues. Subsequently, in 1980 Turkey applied for full membership and the EU approved its candidacy in 1999. Since the arrival of the AKP into power, the party has established the EU membership as a pillar of its policy both internally and externally. Therefore, the Turkish government has pushed for the membership on several occasions, but all of them have turned cold (European Commission, 2017, Ministry for EU Affairs of Turkey, 2017). For instance, the controversial topics that have led to broken negotiation were: the slow internal reform process in Turkey, EU reactions' to AKP's official positions on the Cyprus and Kurdish issue, and the uncertainty of favorable results to the EU after Turkey's annexation (Rabasa & Larrabee, 2008:76-78). Nonetheless, in 2004, former German Foreign Minister Joschka Fischer stated (2007):

“Europe has been promising Turkey full membership since 1963. If we fail to keep our promise which Europe has been making for 40 years due to reservations about allowing an Islamic country to join the Union, we will pay a very high price” (Rabasa & Larrabee, 2008:78).

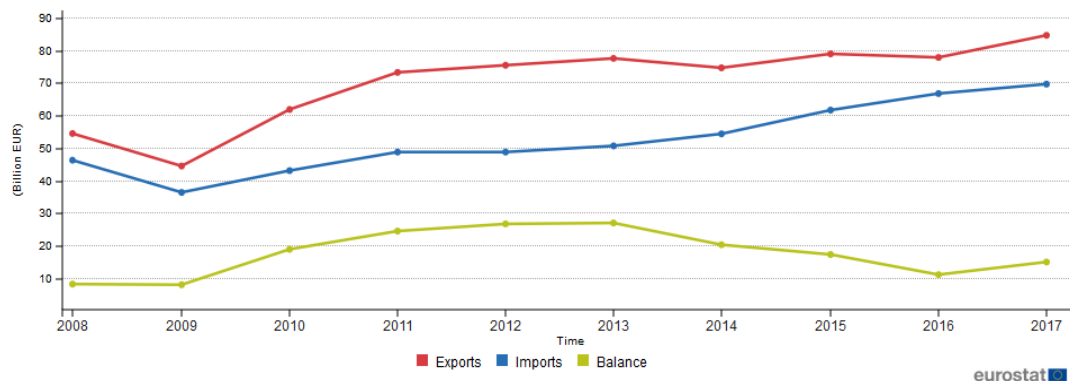
In 2014, the membership talks between EU and Turkey began again (European Commission, 2017, Ministry for EU Affairs of Turkey, 2017). One can infer that the management of the Syrian migration crisis was a topic that renewed talks between the mentioned actors.

Regarding the economic situation of both actors, Turkey is the fourth largest trading partner of the EU and the union of countries is Turkey's first import and export partner (European Commission, 2017:1). For example, USD 61 billion of European goods and services were exported to Turkey in 2015. Meanwhile, USD 40 billion was exported the other way. Thus, the EU had in that year a surplus in the balance of exports and imports with Turkey (Arab Center for Research and Policy Studies, 2016:4). Furthermore, another topic to consider is security as Turkey is considered to be a vital partner to the EU because the Ankara government has the second largest military force in NATO. The argument of European security has prompted the delegation of border control to Turkey, especially in the refugees' arrival on Greek shores. Furthermore, considering the low growth rates of the EU and its restricted defense budgets, Turkey is an ally with more resources who is also involved in the same conflicts, like the Syrian crisis and the Russian annexation of the Crimean Peninsula (Arab Center for Research and Policy Studies, 2016:4).

It is important to highlight the decline in support for Turkey's annexation of the union of countries by the Turkish and European population. In 2004, 73% of Turkish agreed with the membership, then 54% supported it in 2006 and 40% in 2007. Meanwhile, the European opposition has increased since the French and Dutch referendum in June 2005 because of religious and cultural premises, the impact that Muslim immigrants could have on the EU and a possible clash of civilizations (Rabasa & Larrabee, 2008:77). However, Prime Minister Tayyip Erdogan has said that "*the Turkish membership in the EU would help to reconcile Europe and the Muslim world*". Also, Erdogan has mentioned that even if he is a Muslim, he has not pushed to pass Islamic elements into the Turkish law (Kaloudis, 2007:53-54).

The existence of the complex relation with the actors previously mentioned can be explained by their interdependence in terms of economy, military force and the presence of multiple channels (Keohane & Nye, 1988:41). For instance, the participation of European foreign investment in Turkey and the trade balance between actors are examples of the economy and multiple channels issue. In the trade balance, the EU has a surplus when dealing with Turkey, for example, in 2013, the surplus was of EUR 27 billion and in 2017, the surplus is of EUR 15 billion. It is important to consider that the manufactured goods represent 81% of EU exports to Turkey and 89% of EU imports from Turkey (Eurostat, 2017:1).

**GRAPHIC 3**  
IMPORTS, EXPORTS AND TRADE BALANCE BETWEEN TURKEY  
AND THE EU IN THE PERIOD 2008-2017



Source: Eurostat (2017)  
Elaborated by: Eurostat (2017)

It must be clarified that military force in business matters is irrelevant in this case, but the Turkish military strength is important in political and security issues with the EU. Also, the participation in common conflicts represents a shared interest that forces closer ties between the actors.

### **2.2.3. The objectivity of Turkish-European policies**

There are advantages for the Turkish membership into the EU. For Turkey, free transfer of goods and services, legislative harmony, market



opportunities, as well as the free mobility flow into EU territory without travel visas, or other requirements. Moreover, if the EU would accept Turkey as a member, Turkey would be perceived as a more stable country which in turn would bring economic benefits. Also, Turkey would have access to EU collective funds which would raise Turkey's standard of living, because then the Ankara government would have more money for education and health systems (Bagis & Michel, 2011:1). Meanwhile, the advantages for the EU are Turkey's geographic position as it involves security and sustainability of Europe's energy supply. Also, the accession involves that Turkish economic, political, and military power could be used by the EU. Additionally, with Turkey in the union of countries, the EU can have more influence in the Islamic world as well as use its influence in the Balkans, the Caucasus and Central Asia (Independent Commission on Turkey, 2009:59). It must be taken into consideration that free mobility of labor would apply after a long transition period. Thus, the impact on social security in EU members would be relatively low (Independent Commission on Turkey, 2009:55).

Laws and regulations have been changed by the Great Assembly in Turkey since 2001 (Bagis & Michel, 2011:1). This meant that an institutionalized process began in order to implement new norms and regulations to fulfill EU requirements. The change in politics were done with the EU membership in mind as a national interest (Wendt, 1994:388). Erdogan's personal interest has been to get Turkey's accession in the union of countries as it has been the main point in its agenda since he was Prime Minister. For instance, in 2014 newly elected President Erdogan said: "*Turkey's path to the EU, which is a strategic target, will continue more decisively*" (DW, 2014:1).

Nonetheless, despite the changes in the legislation and the advantages, the EU has not accepted Turkey as a member since 1959. One can infer that the reason behind this decision is the actors do not share the same identity. Concerning this point, the main difference is the religion because Islam has the more followers in Turkey, while in the EU, Christianity has more believers. This is explained by Wendt's theory that collective identity in relations between States depends in the collective interest are effects of a process of identification with the

other considering the continuous negative and positive identification (Wendt, 1994: 384-396). In this case, the EU does not feel connected with Turkey and does not want to share its identity, laws, privileges and responsibilities with Turkey. Nevertheless, the EU recognizes Turkey's military force and the resilience of the Turkish economy. Therefore, the EU has the interest to have Turkey as an ally (Wendt, 1994:385). Thus, objectively, the EU recognizes the importance of Turkey as an ally, but will not accept it as a member.

### **2.3. Turkey's Foreign Policy**

Turkey's Foreign Policy has been continuously reviewed by the AKP in order to expand Turkey-Europe ties. Since 2002, the Ankara government's policy has been to work alongside Western allies and refrain from unilateral measures. This policy is a counteraction to the former foreign policy in which Turkey played an independent regional role. As that policy led to a weakened Turkey in its regional role, the AKP government sought to correct the balance of power, confronting regional threats with allies. Therefore, the government wanted to revive Ankara's regional role in terms of security, military intervention and active diplomacy, in order to show its power (Kaddorah, 2016:1).

Turkey's migration policy has been established as an instrument for nation building and has been an essential pillar of its foreign policy. Ergo, it has helped establish a common Turkish identity. It must be mentioned that the evolution of Turkish migration policy because in 1961, the agreement between Turkey and West Germany caused an emigration trend. Then, after the Iran-Iraq war and the conflict in Afghanistan, Turkey welcomed asylum seekers, approximately half a million Kurdish Iraqi refugees in the period 1988-1991. As a consequence of having visa-free bilateral agreements with Middle Eastern states and being a neighbor of former Soviet countries, Turkey was transformed into a transit country towards Europe (De Bel-Air, 2016, İçduygu, 2015). This is why this subchapter analyses the migration policy evolution, the role of the institutions in Turkey's foreign policy as well as the consistency between the actions and Turkish discourse.

### 2.3.1. Migration policy

Turkey's migration policy is based on the country's EU membership process since 2002. This has included a harmonization procedure that has originated a framework, legislation and institutional rebuilding on asylum and migration as the Turkish constitution does not mention the topic of migration (De Bel-Air, 2016:2). Subsequently, a legislation that punished trafficking was implemented in 2002. Later, in 2003, the law Work Permits for Foreigners was approved as the Citizenship Law that determined methods to combat irregular migration and protecting immigrant rights. Then, Action Plan on Asylum and Migration was adopted in 2005 that set up the structure and schedule of a migration and asylum management system (İçduygu, 2015:10). After that, in 2008, the Development and Implementation Office on Asylum and Migration Legislation and Asylum Capacity was created in the Ministry of Interior in 2008 with the mission to manage these topics and concluded with readmission agreements (De Bel-Air, 2016:2).

In 2012, Turkish migration policy was reviewed because of the government's conception that migration was deeply connected with the security policy. Thus, Turkey sought to intervene militarily in Syria as a way to improve the situation in this country while dealing with the issue quickly, which without negative repercussions and migration flows would have diminished into Turkey. Therefore, Turkey proposed NATO to intervene because of legal precedents, the threat that Syria represented to the world, the lack of stability in the region and the costs (Fontana, 1997:104). Also, Turkey would gain more influence if NATO approved Turkey's plan and would become a key member. The then Prime Minister Davutoglu asserted the need for action with allies: *"In the face of a rapidly changing and complex security environment and the global financial downturn, no single actor alone is capable of providing security. In this regard, [a] comprehensive approach is the name of the game"* (Kaddorah, 2016:1-2).

Nevertheless, NATO dismissed the idea and as Turkey did not want to do it alone, the Syrian intervention plan failed.

Nonetheless, in 2013, migration policy was once again examined and changed its focus into a humanitarian diplomacy with a multidimensional approach. This meant that the Ankara government prioritized humanitarian action as a way of establishing Turkey in the international scene as well as the involvement of Turkey in regional issues (Kaddorah, 2016:1, 5, 7). This policy also involved fixing local issues and improving the Turks livelihoods while giving relief work in countries that had crisis and civil disturbances like Syria and Iraq. Also, Turkey gave aid to countries in Africa, Central Asia and the Balkans (Kaddorah, 2016:7). For instance, Turkey gave USD 21 billion to 170 countries as development aid in the period 2010 to 2016. Also, the Ankara government has given USD 35 million to the UN and USD 203 million to regional development agencies (Anadolu Agency, 2017:1). This is a strategy to maintain Turkish presence in these regions and thus protect its interests and influence there. Hence, the Ankara government used this policy as a way to enhance its soft power. Additionally, the relief work could help to diminish the flow of refugees passing through or staying in Turkey.

Furthermore, in this year, the signing of the Readmission Agreement occurred between the EU and Turkey. Also, negotiations started on visa liberalization and the accession between said actors based on the premise of the document Roadmap towards a Visa-Free Regime with Turkey. Nonetheless, these depended on Turkey's ability to control irregular migration towards the EU (De Bel-Air, 2016:2). Consequently, The Law on Foreigners and International Protection was ratified in contemplation of the administration of legal and irregular migration to Turkey, humanitarian migration, and involvement on international endeavors. This was considered to be a significant step because it had not been previously addressed in Turkish legislature (De Bel-Air, 2016, Kaddorah, 2016:7). Article 91 of the Law on Foreigners and International Protection was implemented in order to establish a temporary protection plan. The core of the plan was the non-refoulement principle, registration with the government and an open border policy (De Bel-Air, 2016:2). Nevertheless, there has been criticism because of the limited Turkish services for refugees because even if they have access to

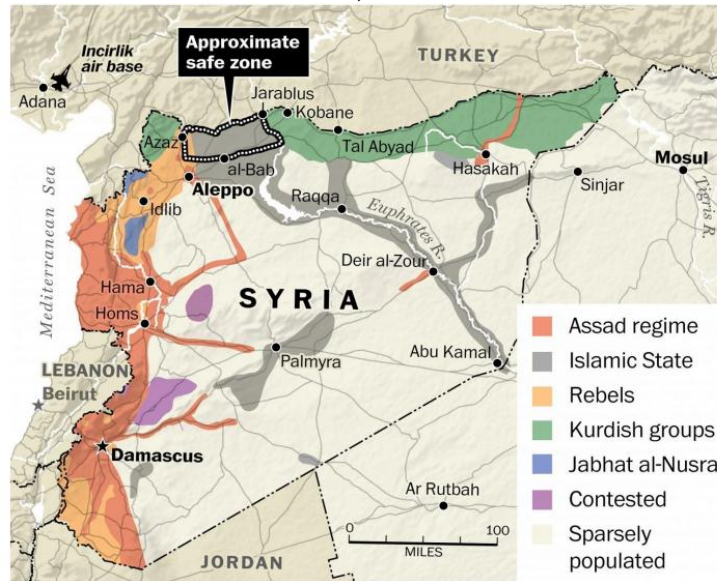
public health, the employment regulation was not functioning. Thus, Syrians refugees continued to be in a precarious situation (İçduygu, 2015:3).

Then, Erdogan's government implemented a Turkish restoration policy in 2014 both within and outside its borders that aimed to strengthen the country's democracy, economy and active diplomatic activism through strategic international alliances, without unilateral actions (Kaddorah, 2016:1, 8-9). Erdogan and the AKP decided to focus inside Turkey's borders and settle local problems instead of prioritizing external problems. Then, in 2015 the Consensus politics was established as a method to prevail over crisis and polarization. This policy implemented conciliatory policies within frontiers and a shared agenda in which Turkey would actively work with partners. Ergo, Turkey maintained its desire to be a regional activist in terms of security and military intervention, but within liaison and collaboration with regional and global powers (Kaddorah, 2016:11). The Ankara government has determined not to intervene or act unilaterally, even with respect to threats to its own national security (Kaddorah, 2016:10).

In this policy, migration and security are related because Turkey was focused on the creation of a safe zone or a de-terrorized zone in northern Syria (Orhan, 2015:2). This safe zone could achieve the removal of Daesh in northern Syria, curtailment of Syria's Kurds from gaining dominion over the West Bank of the Euphrates, discontinuance of refugees' flow, strengthening Turkey's border control and the improvement of livelihoods in Syria. The proposed safe zone would be a narrow strip of 98 km long between Jarablus to Azaz and its width of 30 km from the Turkish border to al-Bah (Kaddorah, 2016, Orhan, 2015).

#### GRAPHIC 4

#### MAP OF THE SAFE ZONE, THE PRIORITY IN TURKISH FOREIGN POLICY



Source: Kaddorah (2016).

Elaborated: The Washington Post (2015).

In order to achieve this, Turkey has demanded the support of the international community (Orhan, 2015:2). Thus, an agreement was signed between Turkey and the US to act jointly against Daesh which allowed US' aircrafts and coalition forces to use the Incirlik Air Base and Turkey's airspace, while de-terrorized zone between Azaz and Jarablus would be established by Turkey and the US (Orhan, 2015:11-12). This is an example of the new Turkish role pro-intervention in foreign affairs because Turkey benefited from being a US ally. Nevertheless, after the failed coup of 2016, the denounces on Turkish human right violations and the decrease of military collaboration has caused a tense relation between Turkey-US. As such, Erdogan and Putin have been closing ties in areas like, energy, tourism, investment and arm sales (Tisdall, 2018:1). Thus, it seemed that Turkey has changed its alliance with the US, for one with Russia.

Moreover, in November 2015 Joint Action Plan was agreed by the EU and Turkey as a way to aid Syrian refugees, offer them protection and host them in Turkey and to prevent illegal migration to the EU (European Parliament, 2017:1, European Commission, 2015:1). Then, on March 7 2016, the EU-Turkey

Statement indicated that all illegal arrivals by sea to the European Union, from dawn on Sunday 20 March 2016, would be taken to closed centers until they were returned to Turkey. These people may also be deported back to the latter country when petitions from irregular migrants and asylum seekers are rejected or deemed inadmissible (Galarraaga, 2016: 1). Additionally, it should be highlighted that, according to the Statement, for every Syrian citizen to be returned from the EU to Turkey, a Syrian will be accepted and resettled in the European Union.

The Republic of Turkey benefited from the agreement with the European Union because it entailed an economic compensation of 6,000 million euros in two parts for aid to refugees and preferential treatment to the government of Ankara in terms of visa liberations. Likewise, this country also made progress in its links with the European Union since the agreement referred to a commitment to open up a new negotiation in the process of joining to this community of nations (Torres, 2016: 1). Thus, Turkey's role in managing refugee does give the country bargaining power vis-a-vis the EU. The slow implementation of the Statement elicited another EU-Turkey summit on March 2016 and a Joint Action Plan was created that allowed all new irregular migrants arriving after March 20 to Greece to be returned to Turkey. The EU Member States promised to multiply the resettlement spots for Syrian refugees in Turkey in exchange of an irregular migrant, an accelerated visa liberalization for Turkish nationals and financial support for refugee population in Turkey (De Bel-Air, 2016:3). It should be emphasized the interconnectedness that exists between said actors in terms of economy, business, energy and technology (Keohane & Nye, 1988:42). It should not be forgotten that Turkey has the second largest military force in NATO and shares borders with both the EU and Middle Eastern countries. As such, Turkey is an EU ally in foreign and security policy as has said the President of the European Commission, José Manuel Durão, on 2008 (European Commission, 2008:3). Therefore, the EU and Turkey reached a plan to deal with the Syrian refugee crisis.

### **2.3.2. Role of institutions in Turkey's foreign policy**

Since 2002, the AKP came into power with a pro-Western and EU membership idea, which then shaped its agenda (European Commission, 2017). Consequently, the Great Assembly, with an AKP majority, passed laws and began the harmonization procedure in terms of economic and migration policy in order to fulfill EU requirements (Bagis & Michel, 2011, De Bel-Air, 2016). This could be done because 73% of the Turkish population agreed with the membership process in 2004 because of the advantages it represented such as the free transfer of goods and services, market opportunities, free mobility flow into EU territory and an increase of stability which would in turn improve Turkey's standard of living (Rabasa & Larrabee, 2008, Bagis & Michel, 2011).

It must be clarified that the national interest of AKP was the EU membership. Thus, the Great Assembly acted accordingly and created institutions, like the change of legislature and the creation of governmental entities (İçduygu, 2015). For instance, in terms of official agencies, there were created the Development and Implementation Office on Asylum and Migration Legislation and Asylum Capacity in 2008; the Migration Policies Board, the Directorate General of Migration Management in the Ministry of Interior, General Directorate for Migration Management in 2013. Regarding the legal framework the Great Assembly passed the law of Work Permits for Foreigners of 2003; Action Plan on Asylum and Migration of 2005; Office for Turks Abroad and Related Communities and the Yunus Emre Cultural Centres of 2010; the Law on Foreigners and International Protection, the Readmission Agreement with the EU, the Temporary Protection Plan of 2013; the Joint Action Plan with the EU of 2015 and the EU-Turkey Statement of 2016 (İçduygu, 2015, De Bel-Air, 2016, Directorate General of Migration Management, 2015, Galarraga, 2016).

Even if Turkey did not have the legal framework, it accepted refugees in the boom of the crisis. It was beneficial for Turkey as the government showed its humanitarian side and used it to push its interest for the EU accession. Based on said national interest, the State created institutions as governmental entities, norms and regulations (Wendt, 1999:388). Meanwhile, the EU had the



institutions, legislature and an established system of management of refugees, but due to the massive flow of Syrian people seeking asylum, the system collapsed. Thus the union of countries looked for an alternative solution and found one in the EU-Turkey Joint Action Plan and Statement.

### **2.3.3. Consistency between actions and the Turkish discourse**

The official Turkish discourse regarding foreign policy is membership in the EU and to help refugees in aid with the EU-Turkey Joint Action Plan because of the benefits for Turkey that include the economic compensation of EUR 6,000 million in two parts for aid to refugees, visa liberation and negotiations in the process of joining to this community of nations (Torres, 2016: 1). Turkey has acted accordingly to its discourse in this topic as it has maintained its part of the deal and continued with the talks.

It must not be forgotten that the Joint Action Plan and Statement has given power back to Turkey due to its role in managing the refugee crisis, and it became a tool that helped Turkey pushed for the accession, and it also gave Turkey bargaining power against the EU because of its results as it has indeed reduced refugee and migrant flow into EU territory in 2016. For example: in 2015, 2000 people crossed EU borders daily and in 2016 only 100 a day did (Timur & Norland, 2016:1). Ulrike Demmer, a German spokeswoman, said that the EU-Turkey Statement was considered to be a success to both parties. Thus, President Erdogan has used said topic continuously in order to accomplish his objectives, for instance, in November 2016 when the European Parliament voted to suspend the accession talks, Erdogan said:

“You did not keep your word (...) you cried out when 50,000 refugees were at the Kapikule border. You started asking what you would do if Turkey would open the gates. Look at me, if you go further, those border gates will be open” (Timur & Norland, 2016:1).

To which the spokesman for the European Commission, Margaritis Schinas has declared their commitment to the application of the Statement (Timur & Norland, 2016:1).

Turkey's commitment to the EU accession was put in doubt when the EU established that Turkey has to change anti-terrorism laws in order to get the visa liberalization. This was a requirement as anti-terrorism laws were used to prosecute journalists and government critics. Nevertheless, President Erdogan has refused to do so citing that said laws were established because of national security (Letsch & Rankin, 2016:1). As Wendt explained, actions are based on national interests (Wendt, 1994:385). Therefore, even if the Turkish government recognized to be a part of the EU as a national interest, to maintain Turkish national security is the primary interest for the government, and that is the reason why Erdogan refused to change anti-terrorism laws.

To conclude, President Erdogan has used the Joint Action Plan, Statement and the 3.3 million refugees in Turkey as a strategy to get the visa liberalization and reopen EU membership negotiations. Also, he has used them to threaten the EU into continuing the accession process on several occasions (Ozkan, 2016:2). Nonetheless, the EU also has tools at its disposal as the union of countries is Turkey's biggest business partner and 75% of its foreign direct investment came from the EU (Ozkan, 2016:5). Hence, both the EU and Turkey considered the refugee issue as a part of their complex agenda. However, if they do not reach a permanent long term agreement, both actors will lose the leverage against each other and would sever its ties, which would not be favorable, as they are neighbors.

At the end of this chapter, it can be evidenced the fulfillment of the second specific objective which was to understand the Turkish migration policy regarding the needs of Syrian refugees and refugee seekers. In order to do this, it was important to understand President Erdogan's party the AKP, its origin, history and participation in elections, as well as its principles and objectives that led their agenda and actions. Also, it was described Erdogan's actions in order to understand the opposition and their allegations of suppression and lack of rights. Furthermore, the analysis of Turkey's geopolitics displayed the complex interdependence with the EU in terms of security, economy and border control as

well as the Turkish candidature to the EU. It must be highlighted the role of Turkey's accession to the EU in its foreign policy and the consequences on its migration policy because it has evolved since 2002 until the Statement in 2016. The investigation has showed that the Turkish main objective is to be a part of the EU and that all migration policies have been changed in order to fulfill the EU requirements. Thus, they were not elaborated with the refugee's welfare in mind and, as such, the 3.3 million refugees in Turkey are used in the Turkish agenda towards the EU.

## **CHAPTER III**

### **EU-TURKEY STATEMENT AND INTERNATIONAL LAW**

#### **3.1. Human Rights and Refugees**

The process of international migration has accelerated due to factors as globalization, global integration, armed conflicts, disasters, mobility of capital and financial systems (Zubrzycki, 1999:1). Thus, in this subchapter, it is clarified key terms of international law related to asylum and migration because they are often misused. Consequently, people in need of international protections are not given the aid they need (İçduygu, 2015:7). As such, it is important to highlight the legal framework that protects PNPI, like: declarations, conventions, protocols and resolutions (UNHCR & IPU, 2001:18).

##### **3.1.1. General concepts**

It is important to differentiate migrants, transit migrants, asylum seekers, refugees and other terms as they are often misused. First of all, persons of concern to UNHCR are people whose security and assistance are of interest to the organization (UNHCR & IPU, 2001:23). A stateless person is an individual who is not considered to be a citizen of any State. This person could be, but not necessarily, a refugee (UNHCR & IPU, 2001:24). Internally displaced persons (IDP) are those who have been forced to abandon their homes or residence, as a consequence or to escape the impacts of armed conflict, generalized violence, violations of human rights, natural or human made disasters, and who have not passed through international borders. These people usually have the same needs as refugees, but as they have not crossed international borders and they are not under the 1951 Refugee Convention or by UNHCR's Statute protection (UNHCR & IPU, 2001, IJRC, 2017).

Then there are economic migrants who leave their native countries to improve their lives in terms of economic advancement. They have the protection of their country of origin and do not have international protection as refugees (UNHCR & IPU, 2001:41). An asylum seeker is a person who has not applied for refugee status or has petitioned, but is not yet granted, official refugee status.

During the process, an asylum seeker cannot be returned to his/her home country and he/she benefits of assistance from the host country, the NGO or the UNHCR (UNHCR & IPU, 2001, IJRC, 2017:1). It must be mentioned that often asylum seekers become transit migrants. This happens when the asylum seeker has been denied refugee status in the third country, so they are unable to remain legally in the territory and they stay illegally until they can cross into another country. Also, there are involuntary transit migrants who are, for instance, african migrants that wanted to reach Europe, but have been left by smugglers in Turkey as that was not their goal country nor they can apply for asylum, they have this condition (İçduygu, 2015:7).

According to the article 1(a)(2) of the 1951 Convention relating to the Status of Refugees, refugee is a person who does not intend to abandon his/her country or habitual residence and is outside of his/her territory. They are compelled to leave, are unable or are reluctant because of well-founded fear of persecution due to his/her race, religious beliefs, citizenship, political ideas, or affiliation in a group (UNHCR & IPU, 2001:41, 46). Additionally, the definition of refugee was extended in the Cartagena Declaration and in the 1969 Organization of African Unity (OAU) Convention and it specified that a refugee is someone who seeks refuge somewhere else than his/her country of origin because of external assault, occupation, foreign rule or events that disturb the public order (IJRC,2017:1). Therefore, the right of safe asylum is granted to the refugee and it does not only involve physical safety, but also the rights that any legal resident would have. That is: civil rights, like freedom of thought, of movement, and from torture and degrading treatment. Also, the right to receive schooling is granted to every child refugee, access to public health, economic and social rights. It is important to mention that refugees also have obligations such as to comply with the norms and regulations of the host country and to maintain public order. The refugee status is granted when the criteria is fulfilled as previously mentioned above (UNHCR & IPU, 2001:48).

Moreover, it should be clarified that the term temporary protection is based on the principles of the international refugee protection regime. The term

refers to the instant and short period response in case of the arrival of a large quantity of people that run away from persecution (UNHCR & IPU, 2001:54). Meanwhile, assistance is aid provided to tackle the physical and material needs of persons of concern, like: food, medical supplies, clothing, shelter, social services, psychological counselling, school and roads. Humanitarian assistance is assistance given by humanitarian organizations for non-political, non-commercial and non-military purposes (UNHCR & IPU, 2001:30). Resettlement is the relocation of people of concern of UNHCR in another area than the country of origin, generally a third country, where the refugee will establish permanent settlement (IMO, 2017:1).

Well-founded fear of being persecuted has to be proven by the asylum seeker or the possibility that he/she will be persecuted if he/she returns to his/her country of origin (JRC, 2017:1). As fear is a subjective element, the identification of refugee status will depend on an evaluation of the asylum seeker's declarations rather than an opinion of the situation (UNHCR, 1992:8). *Persecution* is not defined by the international instruments. The Council of the European Union established a list in the Qualification Directive of acts that could be considered as persecution (IJRC, 2017:1). This list includes (2017):

“acts of physical or mental violence; legal, administrative, police, and/or judicial discriminatory measures; prosecution or punishment; denial of judicial redress (...); prosecution for refusal to perform military service in a conflict and acts of a gender-specific or child-specific nature”.

### **3.1.2. International Framework**

The United Nations established the Office of the United Nations High Commissioner for Refugees (UNHCR) after the end of World War II. The objective of the UNHCR is to protect and find durable solutions for refugees. (UNHCR & IPU, 2001:18). The UNHCR has a statute that is the UNHCR's constitution and as such there is determined the High Commissioner's functions and responsibilities (UNHCR & IPU, 2001:22). The actions of the UNHCR are based on:

TABLE 2  
LEGAL FRAMEWORK ON REFUGEES

Date	Name	Principal Aspects
1948	Universal Declaration of Human Rights	Basic human rights, including the art. 14 that established the right to seek and to enjoy in other countries asylum from persecution.
1949	4 Geneva Conventions	International law.
1951	Convention relating to the Status of Refugees	Foundation of international refugee law; definition, the rights and obligations of refugees and the non refoulement principle.
1954	Convention relating to the Status of Stateless Persons	Regulation and improvement of stateless persons' status regarding fundamental rights and freedoms without discrimination.
1961	Convention on the Reduction of Statelessness	The methods of acquiring or retaining nationality; the loss, renunciation or deprivation of nationality and transfer of territory. The determination that a person may not be deprived of her nationality on racial, ethnic, religious or political grounds.
1967	Protocol relating to the Status of Refugees	Related to 1951 Convention in the definition of refugee; the cessation and exclusion from refugee status; legal status of refugees in the country of asylum; the State's' obligations towards refugee; State's cooperation with UNHCR
1967	UN General Assembly resolution on Territorial Asylum	The establishment that asylum is a peaceful and humanitarian act and cannot be seen as unfriendly by any other State and the asylum definition as the basic protection from the territory where the refugee's life or freedom would be threatened.
1969	OAU Convention Governing the Specific Aspects of the Refugee Problem in Africa	It complements the 1951 Convention and the definition of refuge as it includes people fleeing from indiscriminate violence.
1984	Convention against Torture and Other Cruel, Inhuman or	It provides for protection from refoulement to situations where there is a substantial risk of torture. It does not have any provision excluding

	Degrading Treatment or Punishment	perpetrators of particularly serious crimes or other undeserving persons from its protection
1989	Convention on the Rights of the Child	The Convention stipulates the existence of child refugee and asylum-seeker who has right to protection and humanitarian assistance
2016	New York Declaration for Refugees and Migrants	It enhances the protection of refugees and migrants and the creation of the Comprehensive Refugee Response Framework in order to ease pressures on host countries, enhance refugee self-reliance, expand third-country solutions and support conditions in countries of origin for return in safety and dignity.

Source: UNHCR & IPU (2001), IJRC (2017), GMG (2016), UNHCR (2016)  
Elaborated by: Penélope Astráin

It is important to clarify the concept of non-refoulement or against forced return established in the 1951 Convention that determines: *“No State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”* This is applicable to refugees that have entered the host country illegally and the principle forbids the forced removal of individuals and the mass expulsion of refugees (UNHCR & IPU, 2001, IJRC, 2017). There are only two exceptions to this principle in the 1951 Convention: when a refugee represents under reasonable grounds a security risk to the host country or when the refugee is a war criminal or has committed a serious nonpolitical crime (UNHCR & IPU, 2001:41). Also, this principle is established in the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, but in Convention against Torture there are no restrictions.

The non-refoulement principle is part of customary international law which means that even the States that have not signed and ratified the Refugee Convention must respect the principle. Thus, when this principle is breached, the UNHCR is able to respond as necessary providing aid, security and protection directly to the person in need (UNHCR & IPU, 2001:14). Thus, it is important to mention that refugees have two sets of rights: those as individuals guaranteed



under international human rights standards and national law, and those specific related to their refugee status (UNHCR & IPU, 2001:18).

### **3.1.3. The seriousness of migration in the global context**

Low and high skilled labor, lifestyle, environmental, human trafficking, asylum and refugee protection, internally displaced people, and diasporas are types of migration that have increased in the last years. For example: there were 82 million migrants worldwide in 1970, in 2005 the number grew to 200 million and by 2015 there were 244 million migrants. That is more than 1 in 7 people globally (Betts, 2011, IMO, 2015). The process of international migration has accelerated due to globalization, facilities for human mobility, conflicts, natural disasters, global integration and the mobility of capital and the expansion of financial systems. Thus, the interconnectedness between countries in the political and economic activities has had an impact in the social, human development and mobility (Zubrzycki, 1999:1). As a result, 51% of migrants live in 10 countries, like the US, Germany, the Russian Federation, Saudi Arabia and the United Kingdom. Also, 1 in 5 international migrants reside in the 20 largest cities worldwide (IMO, 2015:5, 7).

It must be mentioned that by 2016, there were 21 million refugees worldwide, from which 16.1 million are under UNHCR' mandate and UNRWA aids 5.2 million Palestinian refugees. In 2015, approximately 1.8 million individuals turned into refugees. This number grew 1.2 million compared to 2014. The hosting countries with more refugees are Turkey and Pakistan and with 4.9 million refugees, Syria became the largest refugee-producing country in 2015 (ONU, 2016, IMO, 2015). Concerning asylum seekers, there were 3.2 million asylum-seekers globally in 2015. This figure is alarming because in the first half of 2015, the number of asylum claims was of 1 million. The country with the largest amount of claims was Germany, followed by the Russian Federation globally and within the EU the next countries were Hungary, Sweden and Austria (IOM, 2015:9). According to Eurostat, the EU received as a whole 1.2 million petitions for asylum in 2015 (Eurostat, 2016:1).

Regarding forced displaced individuals because of conflict, persecution, violence, 65.3 million people entered into this category in 2015, with an increase of 5.8 million individuals compared to 2014. In terms of internally displaced people (IDP), the figures reached 40.8 million individuals with Colombia with the largest IDP of 6.9 million people displaced within the country. It was followed by Syria with 6.6 million IPDs in 2015, then Sudan and Nigeria. It is important to emphasize that these figures do not include the 19.2 million people who were forcibly displaced by natural disasters across 113 countries in the same year (IMO, 2015:8). According to Averril, emotional experiences are syndromes caused by culture and are socially constructed (Averril, 1985:98, in Palma, (2017:222). IDP share the same fear from conflict and violent experiences, hence the natural reaction of IDP to look for safety elsewhere. Keohane & Nye (1998) mention that soft power ideas can shape others' preferences through the set-up of an agenda and its institutionalization (Keohane & Nye, 1998: 86). This has been a helpful tool for the EU to gain more presence and power outside its borders. However, it has also created an ideal image of opportunity and safety of the EU and, because of this, all types of migrants want to live there.

An important aspect to consider is who the refugees are and their vulnerability. In 2015, 1 in 3 asylum seekers in the EU were minors, an increase of 9% compared to 2014. Also, 1 in 4 of all minor asylum seekers were unaccompanied according to the authorities. This figure is triple the amount recorded in 2014 and the highest since 2008 (IMO, 2015:5). Furthermore, 48% of the international migrants are women (IOM, 2015:9). In the EU refugee crisis, at the end of 2014, most of the refugees were men; 49% were men, 19% were women and 31% were children of all the refugee population in the EU in 2015; in 2016, 21% of the refugee arrivals were women and 34% were children according to the UNHCR. Therefore, there has been augmentation in the number of women and minors seeking refuge, which may have a positive effect on the gender balance, but they are also the most vulnerable groups (Bonewit & Shreeves, 2016:8).

The migration process will persist because of inequalities in wealth between rich and poor countries which motivate people to search for better living standards, political or ethnic conflicts and the creation of new free trade areas that facilitate movements of labor (Castles & Miller, 2014:6-7). It should be mentioned that migration tendencies have evolved as there is a change in the direction of dominant migration flows, feminization of migration, rising politicization of migration and the differentiation of this phenomenon (Castles & Miller, 2014:18).

There have been many changes in societies because of migration. For instance: the significance of citizenship, the basis for belonging in many countries, the creation of new forms of ethnic groups, mitigation of rapid ageing of the population and the workforce (Bartram, 2015:492). Additionally, as there is more human mobility, transnationalism is continuously spreading, as a consequence of people's social and economic relations with two or more societies at the same time (Castles & Miller, 2014:5). Thus, demographic, economic and social structures are altered by migrations as a new cultural diversity is formed. This topic is controversial because it raises the questions about national identity (Bartram, 2015:492).

It must be mentioned that there is not a top-down multilateral framework to deal with migration. Therefore, the existence of ad hoc forms of multi-level migration governance, which varies according to the country and its bilateral, regional and inter-regional institutions and treaties, is not functioning at its best as there is an increase in the vulnerability of international migrants' condition (Betts, 2011:2). This has been a consequence of governments not recognizing migration as a central issue. Thus, there is a diversity of agencies that deal with all types of migrants (Castles & Miller, 2014:17). As Wendt mentioned, social structures exist in practice and in process, they are not material nor just fragments of imagination (Wendt, 1995:74). This can be seen in the Syrian refugee crisis because the social structure is to aid and give protection to refugees and asylum seekers due to their vulnerability. Institutions have been created to accomplish this objectives. Nonetheless, countries with high numbers

of migrants are unwilling to change policy in order to improve the migrant's quality of life (Castles & Miller, 2014:18).

### **3.2. UE – Turkey Statement**

EU-Turkey Statement and Joint Action Plan is the response to mixed migratory flows arriving to European territory (MSF, 2017:1). This cooperation allows Turkey to address accession talks, visa-free entry for Turkish nationals and a diminution of arrivals to EU territory. Nevertheless, the criticism facing the agreement is apparent because of human rights violations and the consequences for the refugees (Arab Center for Research and Policy Studies, 2016:5). This is why in this subchapter is analyzed migration as a security issue, the relation between the EU-Turkey Statement and international law and the responsibility of the actors.

#### **3.2.1. Migration as an international security issue**

According to Wendt ideas are important because they depend on shared knowledge (Wendt, 1985:74). In this case, migration is linked directly to armed conflict because when there is violence within a country, people tend to flee and search for better opportunities elsewhere. Therefore, people tend to associate migrants with violence. Another example that shows this link was the attacks on host countries perpetrated by immigrants or their descendants like the 9/11, the attack in Spain in 2004 and in airports in the UK in 2005 (Castles & Miller, 2014:6). As migration is often connected to violence, there has been a growing perception that migration constitutes a threat to security of states, especially for societies with a diversity in cultures and ethnic groups. Thus, governments have recently acknowledged international migration as a central political issue in the domestic agenda (Castles & Miller, 2014:17). Nonetheless, the perceived threat to a country or people's security depends on that society's definition of security. For example, for a group of people, security can mean protection against armed attacks, but for another group, it could also involve the absence of threat to major

societal values. Thus, the term security can have different connotations according to different societies.

Therefore, security is a broader concept than state security and it includes human security (Poku and Graham, 1998, in Castles & Miller, 2014:199). State security is conceived as the preservation of its integrity and to defend. This concept is based on the Westphalian model in which the population lives within fixed frontiers (Vietti & Scriber, 2013:17-18). Nevertheless, there are critics to this concept as threats are often global and require common responses between various nations because an individual State cannot respond and solve problems, like: famine, forced displacement of people, refugee flows, infectious disease spread and terrorism (Owen, 2004: 374, in Vietti & Scriber, 2013:17-18).

Additionally, in 1982, the Independent Commission on Disarmament and Security Issues highlighted the term “common security” which involves mutual cooperation based on equity, justice and reciprocity (Commission on Disarmament and Security Issues, 1982, in Vietti & Scriber, 2013:20). According to Jolly and Ray, human security is people-centred, multidimensional, interconnected and universal (Jolly and Ray, 2006: 5). The UNDP<sup>7</sup> also defined it as:

“protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people’s strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity” (HSU, 2009:5).

Therefore, there has been a change in the conception of security from military threats and national security to a broader definition that involves protecting fundamental freedoms such as freedom from want and from fear because of their importance to life (Vietti & Scriber, 2013:21).

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<sup>7</sup> The United Nations Development Program

Regarding migration and security, there are two main aspects that link them. The first one is that migration represents a political, socio-economic and cultural threat to the host societies. For instance: migrants could potentially challenge the established status quo, their religious beliefs may be opposed to that of the host community, the socio-economic risk and the perception that migrants could be politically disloyal or subversive (Castles & Miller, 2014:200).

The second aspect is the origin of migration itself as people become migrants due to the lack of human security in their countries of origin (Castles & Miller, 2014:199). This phenomenon starts due to the lack of freedom from want and fear. Thus, the country of origin's economic, health, environmental, personal or political situation are threats to the person's existence. Therefore, the constant unfavorable conditions can contribute to forced migration (UNDP, 1994: 24, in Vietti & Scriber, 2013:21).

Nevertheless, it must be mentioned that international migration can also enhance State power and then State security. For instance, it is in the State's interest to improve its economic growth. This could be achieved through an injection of workers and as the workforce expands, thus the State's production. Moreover, the migrants' capabilities can be of use to the State because there have been cases in which migrants serve as soldiers or work for the government providing expertise on their country of origin and on languages (Adamson, 2006: 185, in Castles & Miller, 2014:200). Another point to highlight is that if the State changes the modus operandi from the use of military or economic coercion to the use of political, cultural and humanitarian relations, then the State gains or enhances its soft power (Adamson, 2006: 190-1, in Castles & Miller, 2014:199). Thus, international migration with an adapted public policy can strengthen State power instead of reducing it.

### **3.2.2. The responsibility of actors in relation to the crisis**

The Syrian crisis caused an increase on irregular migration along the Eastern Mediterranean route. Thus, countries like Turkey and signatories

countries of the EU, like Greece and Bulgaria had to deal with migrants and asylum seekers. Approximately 5.740 migrants have died or disappeared trying to migrate in 2015 and 3.770 of them happened in the Mediterranean. These numbers show an increase of 15% from 2014 (IOM, 2015:14).

Oxford dictionary defined responsibility as (2018): *“the state or fact of having a duty to deal with something or of having control over someone or the state or fact of being accountable or blamed for something”*. (Oxford, 2018:1).

In response to this crisis, the EU implemented the Mare Nostrum Operation to rescue migrants from shipwrecks along the Mediterranean and then it was replaced by Operation Triton managed by FRONTEX<sup>8</sup> (Ferguson, 2016:1). Also, these numbers are added to the migrant population that is already located in EU territory. For instance: the European Commission Clandestino Project estimated that there was 1.9 million to 3.9 million undocumented migrants in the EU and that most of them are visa overstayers in 2008 (IOM, 2015:12).

In terms of asylum, there were 134 000 applications for resettlement in the EU and 81 898 departures in 2015 which show an increase as there were 104.000 submissions and 73.300 departures in 2014. Thus, refugees were resettled to 33 countries in the EU from 87 countries of first asylum (IOM, 2015:9). It should be mentioned that under the Council Regulation EC No. 343/2003 or the Dublin Regulation (2003): “the State through which the third country national first entered Europe is generally considered the State responsible for adjudicating that national’s asylum claim”.

Keohane & Nye claimed that established international institutions involve negotiations and potential cooperation (Keohane & Nye, 1998:86). So, due to the massive amount of refugees arriving to EU territory, the EU created detention facilities where refugees and asylum seekers could stay, while their petition is being processed. However, in Greece, the conditions of said facilities are a controversial topic as the centers are overwhelmed by the number of arriving

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<sup>8</sup> European Border and Coast Guard Agency

people (IJRC, 2017:1). Amnesty International has denounced the unsanitary and overcrowded conditions of detention centers in said country as well (Amnesty International, 2012:157). Moreover, there are claims of lack of information and absence of UNHCR representatives in the detention facilities. Thus, asylum seekers did not know how to apply for asylum or their rights. Because of all these reasons, the European Court of Human Rights is investigating several cases of violation of individuals' rights and inhuman treatment in the Greek detention centers (IJRC, 2017:1).

There has been controversy in the EU refugee flow management as critics think that the EU should implement a smarter strategy when dealing with Turkey than a lure of membership. For example, the EU must regulate financial assistance with measurable targets, Turkish's application of the UN Refugee Convention to non-European citizens, better management of Turkish borders, combat against human traffickers and improvement of its democracy. Therefore, the accomplishment of said goals would improve Turkey's chances of the EU accession and decrease illegal migration (Hakura, 2016:1).

Meanwhile, Turkey is recognizing Syrian refugees under the Law on Foreigners and International Protection 6458, which allows to receive refugees no matter their country of origin. Even if the Republic of Turkey accepts Syrian refugees and they are under the protection of the law 6458, it does not guarantee all their rights according to the temporary protection regulation (The Law Library, 2013:1). Only 10% of the refugees are living in humanitarian camps, while the other 90% do not have access to health care, education, social assistance and the labor field (European Commission, 2016:1). This occurs because work permits are allowed since January 2016 for refugees who are legally registered and have been living in the country for 6 months and the companies must keep only 10% of Syrian refugees as workers in order to protect Turkish jobs and discourage informal refugee jobs. Nonetheless, only 8000 permits were given to Syrian refugees in 2016 (De Bel-Air, 2016:3). Thus, one can infer that President Erdogan is using Syrian refugees to gain political leverage with the EU.



Considering the severe living conditions of Syrians both inside and outside borders of their country of origin, the actions taken by both the EU and Turkey are not enough. There is a clear need for durable solutions to the Syrian crisis and its effects. However, the current response has left much to be desired. Thus, the EU should consider implementing other migration and refugee policies as the in operation has flaws and has not been effective in refugee flow management. Moreover, it should be highlighted that all actions taken by the EU have been reactive and not preventing. For instance, the Joint Action Plan with Turkey is merely a bandaid to this problem as it does not solve the causes of this particular migration, but only prevents Syrian people from entering EU territory and collapsing the EU asylum institutions. Passing unto the Turkish position, it appears to be humanitarian at first glance. However, refugee management is a way to pick up EU membership negotiations, visa liberations and get funds. But as the main Turkish requirement, EU accession, has not been fulfilled, Erdogan's government could withdraw its participation of the Statement and Joint Action Plan. This could endanger hundreds of thousands of Syrian lives.

### **3.2.3. The legal gaps**

The controversy and criticism over the EU-Turkey Statement and Joint Action Plan centers on the legal gaps and breaches of international law, especially the 1951 Convention Relating to the Status of Refugees. First of all, one should point out that the EU established the Council Regulation No. 343/2003 or the Dublin Regulation which implements the requirements and mechanisms that determines which Member State is in charge of examining an asylum application lodged in one of the Member States by a third country national (European Commission, 2003:1). Because of this regulation, countries like Greece, Italy and Bulgaria have had their asylum institutions collapsed as the number of refugees constantly arrived in the height of the crisis.

Secondly, the international community reproached the wording of the Statement for several reasons. For instance, the notion of irregular migrants, as there is no type of distinction between all kinds of migrants. Thus, refugees and

asylum seekers could be overlooked by systems (Rais, 2016:1). As such, there could be an undermining of the non refoulement principle as refugees and asylum seekers would be returned to their country of origin, despite their vulnerable condition. Moreover, the Statement is clear in its objective to stop irregular migrants from reaching EU territory and to combat migrant smuggling. Nevertheless, it does not establish guidelines for legal and safe channels to prevent irregular arrivals. Due to the lack of safe channels, these people tend to take even more dangerous passages, risking their lives and many of them perish on the travel (CEAR, 2016:30).

Another point to consider is Turkey's denomination as a safe third country because it can provide adequate protection to refugees. The Republic of Turkey has signed and ratified the 1951 Geneva Convention Relating to the Status of Refugees. However, it maintains the geographical limitation that reduces its scope to events produced in Europe and to consider asylum applications from European countries. This occurs because the country did not sign the 1967 Protocol that wanted to overcome said limitation. It should be considered that Turkey allows UNHCR to operate on the condition that said agency grants refugee status, but that refugees do not integrate locally and are resettled in a third country (İçduygu,2015:6). Thus, Turkey does not have any obligation to receive refugees from other parts of the world; therefore, Syrian refugees are vulnerable due to the lack of ratification of the 1967 Protocol. Additionally, for Turkey to be considered as a safe country it must apply and practice all instances of international law (CEAR, 2016:30). Nevertheless, there have been specific examples and denounces of violations of human rights in Turkey as explained in chapter 2. Thus, there are no facts that sustain Turkey as a safe country than just an EU declaration.

According to the non refoulement principle and European law, the process to determine if a person is a refugee is based on individual circumstances. In view of this, no country should be labeled as safe because of the responsibility transferred to third countries who may not have the resources to analyze each petition individually which could generate discrimination of refugees or the

expulsion of said people to their country of origin. Meaning, the violation of the non refoulement principle that indicates the prohibition of forcing these people to return to countries where their lives are in danger as established in the Geneva Convention (CEAR,2016:29). According to a series of investigations of Amnesty International, there is evidence that thousands of refugees and asylum seekers in Turkey were sent back to Afghanistan, Syria and Iraq in 2015 and 2016 (Amnesty International, 2016:1). As such, this country is breaching international law, specifically, the non refoulement principle in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention relating to the Status of Refugees. Wendt mentioned that the actor's identity and interests can be analyzed in its interactions and thus its social structure (Wendt, 1994:81). The members of the EU saw the need to give refugees juridical protection and through an agenda, legal and binding documents were created. This helped establish a common identity of the good European after WWII. Nonetheless, in the peak of the Syrian refugee crisis, the EU and Turkey twisted and eroded international law, in order to protect their interests.

Furthermore, in the EU-Turkey Joint Action Plan it was described that for every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU (European Parliament, 2018:1). This relocation process is done exclusively to Syrian people. Nonetheless, article 3 of the Geneva Convention (1951) mentions that: *"the Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin"* (UNCHR, 1951:35). Therefore, this Joint Action Plan is discriminatory as it is only applied to a certain nationality and is a violation of the mentioned article that forbids discrimination because of country of origin (CEAR, 2016:34). As a consequence, the rights of refugees and asylum seekers who are not from Syria are being discriminated.

### **3.3. Migrants and international regulations**

Refugees and asylum seekers are a type of migrants who are under duress, and due to their situation, need protection of international law.

Nevertheless, many countries do not abide by these regulations even if they have ratified them; such is the case of the EU-Turkey Statement that has been denounced to infringe international treaties (Özkan, 2016:2). This is why in this subchapter will be explained the conditions of Syrian refugees and asylum seekers facing the EU-Turkey Statement and Joint Action Plan. Also, the decisions made by the EU and Turkey have left much to be desired about the refugee crisis because of the lack of action, information and care, and finally, the morals involved in this refugee crisis.

### **3.3.1. The situation of the PNPI vis-à-vis the Agreement**

A year after the signing of the agreement, the European Commission announced that 1,487 Syrians were returned to Turkey with the resettlement of 3,500 Syrians refugees from the Turkish country and recognized the difficult living conditions in Greece (Mayo, 2017:1). Nevertheless, there is a low scope of action of the EU because the number of resettled refugees is still low compared to those arriving to Turkey and Greek shores.

Syrian refugees in Turkey are safe from direct conflict and direct war in Syria. Nevertheless, this does not mean that they are safe from want or safe from fear. Syrians in need of international protection are called guests in Turkish territory instead of receiving refugee status. Moreover, there are documented cases by UNHCR and NGOs, like Amnesty International that demonstrate Syrians refugees' mistreatment and their forced return to their country of origin. For these reasons, UNHCR<sup>9</sup> declared that UNHCR would not work alongside or following the criteria established in the Statement and Joint Action Plan between the EU and Turkey, nor that the organization would support it citing that it is a violation of international law, primarily the non-refoulement principle (Özkan, 2016:2).

A point to consider is the resources of the Syrian refugees and asylum seekers because most of them leave their country of origin spontaneously or pay

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<sup>9</sup> United Nations High Commissioner of Human Rights

large sums of money to smugglers because they search for a better and peaceful place to live as the conflict has taken their possessions from them. Moreover, the majority of refugees do not travel with their whole families because of the lack of resources, thus their need to send remittances to their remaining family in Syria (Johnson and Stoll, 2008, in Bakker et al, 2014:268). The pressure to send remittances, the on-going conflict and the low quality of life in Turkey and the EU often increase the strain for refugees and make them even more vulnerable to exploitation.

According to studies, there is a direct relation between the immigration status on arrival in the EU and the person's participation in the work market. In the case of humanitarian migrants, like Syrian refugees, they are the least likely to be employed in all EU countries. This is also related to the loss of skill potential because migrants tend to be overqualified for their jobs compared to the domestic workforce (Cangiano, 2014:436). It must be mentioned that gender also influences job opportunities as unemployed female labor migrants appear to be more over qualified than their male counterpart (Cangiano, 2014:437). Therefore, even if Syrian refugees enter the EU legally, the EU does not guarantee job opportunities according to the refugees' capacities, and those who enter illegally are in a situation of precariousness as they will be more likely exploited in their jobs.

Wendt assumes that interaction and agency between actors reproduce shared knowledge that could perpetuate in time (Wendt, 1992:76). In this case, the shared perception of others in Turkey and the EU over the conflict, the al-Assad government in Syria has consequences over Syrian refugees as they do not want to be involved or identified with their country of origin (Díaz-Briquets and Pérez-López, 1997, in Bakker et al, 2014:262).

Another point to consider is that international organizations as Doctors without Borders (MSF) have denounced the EU-Turkey Statement because it has caused consequences on mental and physical health of stranded refugees, migrants and asylum seekers on Greece and the Balkans (MSF, 2017:1). MSF

teams have seen a worsening of mental health of PNPI with higher numbers of people suffering from depression, anxiety, post-traumatic stress disorder (PTSD) and psychosis (MSF, 2017:5). This is the result of treating vulnerable people as commodities, poor living conditions and fear of being returned to Turkey. For all these reasons, said organization declared to no longer accept EU funds or from its member States as a sign of rejection to this policy (MSF, 2017:1).

### **3.3.2. The decisions in the face of the crisis**

Since the beginning of the Syrian conflict and the consequent exodus, actions from different countries have left much to be desired and, as such, NGOs have done more to further ensure aid to Syrian refugees and asylum seekers. In the particular case of the isle of Lesbos, volunteers and NGOs have dealt with rescue missions and attention to refugees because of the lack of governmental presence. For instance: FRONTEX agents are in charge of vigilance, to uphold public order and as such they do not participate in other activities (CEAR,2016:34). According to information given by Doctors without Borders the relocation centers for refugees do not have access to basic services and have miserable living conditions due to the overflow of refugees, and the lack of European guidelines for refugee management. Additionally, refugees are not given information on resettlement, asylum nor free juridical assistance (MSF,2017:1). The EASO<sup>10</sup> has not collaborated with information to NGOs or volunteers who are in direct contact with refugees (CEAR,2016:34).

Furthermore, in the European Court of Human Rights (ECHR), was analyzed the case of Belgium and Greece, petition 30696/09, over the hosting conditions in Greece and the system of international protection. It was proven that Greece violated art.13 of the ECHR due to the deficiencies in the analysis of asylum applications by Greek authorities (CEAR,2016:33). These consequences of the misvaluation without accounting for the merits of the applicant, could have led to a number of applicants being sent back directly or indirectly to their country of origin. Therefore this, and the lack of warranties over the review of each individual case, could lead to a mass return of refugees from the EU to Turkey in

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<sup>10</sup> European Asylum Support Office

a domino effect. This means that there are conditions that enable a country to deport people to places where there is no respect of human rights (Rhais, 2016: 2).

Related to this topic, the Committee of Ministers of the Council of Europe said that (2016):

“If the State of return is not the state of origin, the removal (readmission) order should only be issued if the authorities of the host state are satisfied, as far as can reasonably be expected, that the state to which the person is returned will not expel him or her to a third state where he or she would be exposed to a real risk” (Rhais, 2016: 3).

Nevertheless, the EU-Turkey Statement did not establish criteria to prevent said effect. But it allows through the term safe third country as the term is ambiguous and there are no safeguards that Turkey would indeed comply with that particular clause.

The denomination of Turkey as a safe third country gained critics among the international community. Therefore, the EU declared that Turkey was temporarily unsafe due to a problem of implementation due to the massive influx of Syrian refugees. However, this situation has remained a year after the declaration and thus Turkey remains unsafe by European standards because of the continuous overflow in the containment centers, physical abuses, miserable living conditions as living in tents during winter and the lack of information remain for Syrian refugees (MSF, 2017:2). According to Oktay Durukan, director of a Turkish NGO that works with refugees, asylum seekers in need of protection have been sent from the EU to Turkey as their members refused to offer them protection. For instance, under the readmission agreement of 2013, the EU can deport illegal Turkish immigrants as well as people with other citizenships. This last group could be then deported to their country of origin (Rhais, 2016: 2). The Commissioner for Human Rights of the Council of Europe added that these types of agreements erode the principles of international law, even if they are publicized as a method to manage migration (Guild,2009:3).

At the one year anniversary of the EU-Turkey Statement and Joint Action Plan, EU members indicated its success with a rate diminution of arrivals to the EU (MSF, 2017:1). Nonetheless, the objective of the agreement was the safe resettlement of Syrian refugees. Therefore, the consequences on the well-being of refugees and the low number of resettled refugees in the EU show the failure of this policy, without mentioning that any regulation that forbids the arrival of refugees or asylum seekers is a clear breach of international refugee law and the non-refoulement principle. Wendt assumes that an actor's ideas and interests lead to agency and the creation of institutions that create and replicate knowledge (Wendt, 1992: 76). This can be seen in the EU's interest of not receive Syrian refugees, which led to the creation of the Statement. Nevertheless, it should be considered that if said agreement between the EU and Turkey is not terminated, then this type of international statements are accepted as customary law. This would undermine the conventions and international treaties as the Universal Declaration of Human Rights and putting at risk the lives of future refugees and asylum seekers.

### **3.3.3. The morals in the refugee crisis**

Systemic structures help shape the states' interests and consequently their agenda of action (Wendt, 1992:76). Turkey's interests behind the Statement were to open doors to further EU accession talks and to give relief to Syrian refugees. Also, in a way to improve humanitarian conditions, Erdogan hinted his willingness to reconstruct areas near the Syrian Turkish border which would include shared costs and the use of Turkish workforce (Özkan,2016:4). Moreover, the unspoken interest of the EU was to diminish the number of arrivals in its territory; because of that, the union of countries has not discontinued the Statement and has not responded to criticism over the violation of international law of the EU-Turkey Statement and Joint Action Plan (Korteweg, 2016:1). Nevertheless, if the union of countries continues its cooperation with the Ankara government, the ill-treatments and unjustified refugees' detentions could be exacerbated (Amnesty International,2016:1).



In addition, it must be mentioned that the EU-Turkey Statement and its mention that it only related to Syrian refugees generates an automatic exclusion to other nationalities who are also victims of war and direct conflict, like Iraqi refugees who are also escaping from Daesh (CEAR, 2016:31). A point to consider is the impact of Syrian refugee population's perception of their own country because if their identification with their homeland is corrupted by the ruling regime, interest of this group will not be to return or to be associated with it (Díaz-Briquets and Pérez-López, 1997, in (Bakker et al, 2014:262). Furthermore, refugee migration flows are caused by political persecution, armed violence, war and economic insecurity (Thakur 2003, 5, in Vietti & Scriber, 2013:5). Therefore, the fortress image that the EU portrays abroad due to its emphasis on border security, could be more harmful because the refugees will choose to go somewhere else, where their vulnerable position is even more vulnerable

Taking into consideration the definition of morals as: *"a lesson that can be derived from a story of experience"* (Oxford Dictionaries, 2018:1), the international community has not learned from previous refugee migrations as the same mistakes are done, for instance, the lack of care, monetary resources, personnel, information, materials, food, supplies, coordinated action, and the creation of contention camps with miserable living conditions. Instead, the EU has focused on closing down borders, delegating to Turkey the refugee management and the creation of a Statement that violates international law. Meanwhile, Turkey has used this as an opportunity to gain more funds and using Syrian refugee aid as a leverage to push for accession talks.

At the end of this chapter the third objective of this dissertation, which was to determine the relation of the 1x1 Deal in regard to international public and humanitarian law, has been accomplished. First, it was important to differentiate general concepts on migration and the international agreements and binding legislature, in order to clarify misunderstandings. Moreover, the wording and interests of the EU-Turkey Statement were analyzed and its impact on international law and on people in need of international protection. Finally, were

examined the morals in the Syrian refugee because this was not the first refugee migration flow. As people's lives are in danger, the established policies will set a precedent for future cases. These topics were considered necessary in order to accomplish the chapter's previously mentioned objective.

## **VI. ANALYSIS**

At the end of this dissertation, it can be said that the general objective to analyze Turkey's immigration policy, in particular the 1x1 Deal with regard to Syrian refugees and refugee seekers, was achieved because of the following analysis. According to constructivism, ideas and norms have influence over the State's behavior, which in fact explains how the shared ideas of the Syrian population, like: the lack of political liberties, violation of human rights, corruption, poverty, inequality, of the population created the opposition of the ruling regime Al-Assad. This started the Syrian conflict as the government's repression fueled the population into a civil war.

As stated by Keohane & Nye, countries or actors are interdependent when there are reciprocal effects among them, even if the effects are not symmetrical. This could be seen in the Syrian crisis because of the participation of various actors, like Russia, who supports the official government due to commercial and ideological links, and is a declared ally of the al-Assad regime. Also, in this case, it is the EU-US alliance which is also based on the same principles. Moreover, constructivism helps explain how the State identities determine their interest, which could explain the participation of foreign countries in this conflict as the US, the "leader of the free world", wants to protect human lives from the repressive government, while armed and terrorist groups, such as Daesh whose desire is to overthrow the Syrian government, establish a Islamic State, and set the Sharia as the law.

In response to the crisis, recommendations were made by the UN, as well as the first World Humanitarian Summit, the New York Declaration for Refugees and Migrants and several Peace Talks to push for a cease-fire, conflict resolution, and a peaceful transition of power. Keohane & Nye determine that there is no specific and pre-established hierarchy on the agenda of international relations as it comprises several issues. The Syrian refugee crisis showed a change in the international agenda in order to prioritize this topic and relegated sustainable development to a secondary level of attention.

Moreover, Wendt mentions that identity shapes interests. The Syrian population is an example of this because due to their condition as citizens of Syria and their political situation, that included chemical attacks, ongoing violence, the deterioration Syria's living conditions, and low quality of life. Syrians interest for a new government changed into survival as the situation worsened and thus, they decided to leave their homeland and search for a better life elsewhere. Additionally, according to Averril, emotional experiences are syndromes caused by culture and are socially constructed. Thus, humanitarian migrants, like Syrian refugees, share the same fear from conflict and violent experiences, hence their natural reaction to look for safety elsewhere. As Syrians were massively fleeing to neighbor countries like Lebanon, Turkey and Jordan, these countries were struggling to manage the number of refugees and were reaching saturation points. This led to an absence of shelters, food, lack of access to health care and education, and the deficiency of job opportunities.

It is important to mention the impact of the Syrian refugee population's perception of their own country because if their identification with their homeland is corrupted by the ruling regime, interest of this group will not be to return or to be associated with it. Additionally, these refugees have to deal with the effects of the displacement, alterations in the family structure, loss of their possessions and opportunities, the lack of decent living conditions, and need to ask for humanitarian assistance, devalue the refugees' dignity and self-respect.

Keohane & Nye mentioned that soft power ideas can shape others' preferences through the setup of an agenda and its institutionalization. The EU has used soft power abroad to gain more influence. However, it has also created an ideal image of opportunity and safety of the EU and, because of these Syrians wanted to seek refuge and security in the EU as it had pull factors, such as, peace, security, high standard of living, and job opportunities. Hence, at the peak of the European migrant crisis in 2015, more than 1.3 million Syrians requested asylum in Europe.

The EU institutions such as the European Resettlement Scheme and the Syrian Vulnerable Persons Resettlement Program collapsed as refugees continued to arrive, and only 5% of them were successfully resettled. In addition, while there were international pledges to increase refugee quotas, the EU members, except Germany, did not fulfill its commitment of resettlement as they only ended up receiving a paltry number of refugees or none at all, compared to the number of refugees in host countries. Wendt determines that collective interests set the agenda. Therefore, the EU members, minus Germany, did not want to receive refugees, so their agenda and policies changed on paper, but not in practice.

Passing unto Turkey, president Erdogan and his party have been in office since 2002. This is the result of Erdogan's leadership skills, his public speaking expertise, the AKP's strength, and its mobilization. Even though Erdogan and the AKP are accused of corruption and are criticized for their authoritarianism and the purging of State institutions, their popularity did not decrease in the polls because of the people's support and acceptance of the AKP's plan for Turkey. According to Ruggie, ideas and ideational factors can become socially causative as such, based on Erdogan's speeches, his image of Turkey of a great nation, and a strong State. Therefore, Erdogan has combined nationalist and Ottoman elements in his speech often referencing to Seljuk and Ottoman sultans to transmit his ideas on the Turkish population. Thus, he is shaping the national idea of how Turkey should be and that it must be restored as a strong country. Moreover, 52% of the population who supported the AKP and said party have the same conception of the ideal Turkey, as they share common interests. For that reason, identities and national interests are indeed built by social structures, just as constructivism explains.

As stated by Wendt, actor's identity creates interests which are to maintain its physical security and recognition by other actors. Therefore, in this case, Erdogan was doing everything possible and used all available resources to preserve his power and perpetuate his official position as the President of Turkey. Thus, repression, control over institutions and regulations, lack of independence

of the judiciary, limitations on the freedom of expression, on the media and on freedom of assembly, showed the erosion and the weakened human rights which are a collateral result of his main interest.

The AKP is a conservative party with a nationalist, pro-Western and pro-Ottoman agenda which allows them to avoid issues with Islamic countries, while also pushing for the EU membership process. Nonetheless, the relations between said parties are both complex and a necessity for both parts. Keohane & Nye mention that interdependent countries are united by economy, military force, and the presence of multiple channels. This can be seen between the EU and Turkey because of the economic situation, as Turkey is the fourth largest trading partner of the EU with 61 billion of European exports, and the union of countries is Turkey's first import and export partner. The participation of European foreign investment in Turkey and the trade balance between actors are an example of the economy and the multiple channels issue, as cooperation, counterterrorism operations, and education. Furthermore, security is an important point in their agenda as the Ankara government has the second largest military force in NATO and participates in the same conflicts as the EU.

In constructivism, State identities determine who each State is and who the others are, as well as how this affects their interests. As Turkey wants to be part of the EU, laws and regulations were changed since 2001 in order to fulfill EU requirements. It must be said that the changes in politics were done with the EU membership in mind as a national interest. Nevertheless, since 1959, the EU has not accepted Turkey as a member because of the EU's conception that Turkey is not a European country as they do not share the same identity. Nevertheless, the EU recognizes Turkey's military force and the resilience of the Turkish economy. Therefore, the EU has interest to have Turkey as an ally. Thus, objectively, the EU recognizes the importance of Turkey as an ally, but will not accept it as a member.

Constructivism establishes that the State created institutions as governmental entities, norms, and regulations based on said national interest.

Even if Turkey's migration policy has been established as an instrument for nation building and has been an essential pillar of its foreign policy. It has also helped establish a common Turkish identity. It should be mentioned that even if Turkey did not have the legal framework, it accepted refugees in the boom of the crisis. It was beneficial for Turkey as the government showed its humanitarian side and used it to push its interest for the EU accession.

Wendt mentions that the actor's identity and interests can be analyzed in its interactions and thus its social structure. After WWII, the members of the EU saw the need to give refugees juridical protection and, through an agenda, legal and binding documents were created e.g. the Universal Declaration of Human Rights, the 4 Geneva Conventions of 1959, and Conventions relating to the Status of Refugees, Stateless Persons, among others. Moreover, there was also the necessity to differentiate concepts on migration, in order to give each person personalized protection and assistance when necessary. Furthermore, complex interdependence develops in the hands of the modernization process. Therefore, globalization, facilities for human mobility, global integration, mobility of capital and the expansion of financial systems have accelerated international migration as a consequence of the interconnectedness in the political and economic activities.

As Wendt determines, social structures exist in practice and in process, they are not material nor just fragments of imagination. This can be seen in the Syrian refugee crisis because the social structure is said to aid and give protection to refugees and asylum seekers due to their vulnerability. So, institutions have been created to accomplish these objectives. Moreover, Keohane & Nye claimed that established international institutions involve negotiations and potential cooperation. So, due to the massive amount of refugees arriving to EU territory, the EU partnered with Turkey to establish the Statement and Joint Action Plan to manage the crisis with the creation of relocation facilities where refugees and asylum seekers could stay, while their petition is being processed. Nevertheless, Erdogan had used the Statement and Joint Action Plan to bully the EU into continuing the accession process on several

occasions. For instance, Erdogan threatened to let the 3.3 million Syrian refugees in Turkey cross over to the EU if the talks did not restart in 2016.

Moreover, the controversy and criticism over the EU-Turkey Statement and Joint Action Plan centers on the legal gaps and breaches of international law. The international community reproached the wording of the Statement for several reasons. First, the notion of irregular migrants in the Statement. Thus, refugees and asylum seekers could be overlooked by the system undermining the non refoulement principle. In addition, the Statement is clear in its objective to stop irregular migrants from reaching EU territory and to combat migrant smuggling, but it does not establish guidelines for legal and safe channels to prevent irregular arrivals. Likewise, Turkey's denomination as a safe country was criticized as there are no warranties than just an EU declaration and there have been specific examples and denounces of violations of human rights. Also, Turkey ratified the 1951 Geneva Convention Relating to the Status of Refugees. However, it maintains the geographical limitation that reduces its scope to events produced in Europe. Thus, Turkey does not have any obligation to receive refugees from other parts of the world.

In addition, there were claims based on evidence provided by NGOs that thousands of refugees and asylum seekers in Turkey were sent back to Afghanistan, Syria, and Iraq in 2015 and 2016. Hence, the non refoulement principle, the Convention against Torture and Other Cruel, Inhuman or Degrading and the Convention relating to the Status of Refugees and the 1951 Geneva Convention were violated, as there are no warranties over due process to determine if a person is a refugee based on individual circumstances. Also, the Statement is discriminatory as it applies only to Syrians. This is a violation of article 3 of the 1951 Geneva Convention that forbids discrimination because of the country of origin.

Wendt assumes that an actor's ideas and interests lead to agency and the creation of institutions that create and replicate knowledge. The problem with this assumption in this particular case is that policies established will set a



precedent for future cases. Thus, the EU has focused on closing down borders, delegating to Turkey the refugee management and the creation of a Statement that infringes international law. Meanwhile, Turkey has used this as an opportunity to gain more funds and used refugees as commodities and leverage to push for accession talks. So, if the Statement is not suspended or terminated, it will erode human rights, as it could be replicated and violate the rights of even more people.

## VII. CONCLUSIONS

The hypothesis specified for the present dissertation aspired to verify the following statement: the Turkish migration policy, in particular the EU-Turkey Statement, would respond to the needs of the European Union and geopolitical Turkish interest; however, it would not be a solution to the problem of Syrian migration due to lack of infrastructure, an efficient system and clear guidelines for the management of migrants. According to the following conclusions, it has been found that the hypothesis is verified.

- The escalation and participation of international and transnational groups in the Syrian civil war caused it to become an international conflict that originated the exodus of Syrian refugees due to the repression of the al-Assad government, use of chemical weapons, ongoing violence, indiscriminate air strikes, the deterioration of Syrians' living conditions, low quality of life and human development and the scarcity of food. Considering the severe living conditions of Syrian people both inside and outside borders of their country of origin, the actions taken by both the EU and Turkey are not enough. There is a clear need for durable solutions to the Syrian crisis and its effects.
- Turkish migration policy, in particular the EU-Turkey Statement, responds to the needs of the European Union and geopolitical Turkish interest because migration policy has evolved since 2002 to 2016. The investigation has shown that the Turkish main objective is to be a part of the EU and that all migration policies have been changed in order to fulfill the EU requirements. Thus they were not elaborated with the refugee's welfare in mind and, as such, the 3.3 million refugees in Turkey are used as pawns in the Turkish agenda towards the EU. Moreover, EU members indicated its success with a rate diminution of arrivals to the EU. Nonetheless, the objective of the agreement was the safe resettlement of Syrian refugees. Therefore, the consequences on the well-being of refugees and the low number of resettled refugees in the EU show the failure of this policy.
- The Statement and Joint Action Plan are not be a solution to the problem of Syrian migration because of the lack of infrastructure, an efficient system, and

clear guidelines for the management of migrants and the lack of compliance with international law. Instead, the Statement has caused consequences on mental and physical health of stranded refugees, like: depression, anxiety, post-traumatic stress disorder, and psychosis. This is the result of treating vulnerable people as commodities, poor living conditions, and fear of being returned to Turkey.

- The international pressure over the Statement and Joint Action Plan should be enough to make the EU and Turkey reconsider it and write it off because it is a breach of international law. Nonetheless, as the Statement has enabled the results wanted by the EU and Turkey like the diminution of Syrian refugees entering EU territory, continuous negotiations over Turkey's accession to the EU and monetary injections. Thus, the main actors have maintained their position that the Statement is not an instrument of international law and that there are no breaches of it. But, the Statement is indeed an instrument that EU and Turkey have used to undermine international law.
- The fact that the Statement is still in function, even with the violations of the non-refoulement principle, art. 3 of non-refugee discrimination due to country of origin, lack of warranties over a personalized case study of each refugee, sets a precedent under the custom of international law and erodes it.
- The EU has become a fortress as it is closing the doors to thousands of people in need of protection. Also, its delegation to Turkey and other countries to solve the problem of refugee flow management shows the lack of commitment of the EU to global problems. Thus, it is clear that the EU is using this Statement as a deterrence policy, as just 7.2% Syrian refugees were relocated in EU territory.
- Turkey wants to improve its influence and power abroad. Therefore, the Ankara government has shown an image of cooperation with its participation in mediation and conflict resolution. However, this should not promote the conception of Turkey as a safe country as there is evidence of human rights violations, corruption and government control of the media. Also, the fact that Turkey has

maintained the limitation clause in the Geneva Convention, makes it risky and unsafe for asylum seekers to seek refuge there.

## VIII. RECOMMENDATIONS

Having conducted the analysis and having obtained the findings previously mentioned, the following recommendations are made:

- The EU and Turkey should separate those interests and agendas from any humanitarian crisis, like the Syrian refugee flow after the Syrian conflict, because in 2011-2017, the countries' actions violated basic human rights and risked the lives of men, women, and children. This could be achieved through the focus on economic interests, education, and cooperation.
- The EU should increase its border personnel and migration offices in all its territory, especially in the countries that share a border with non EU members. Also, it is necessary to increase the budgets for agencies like FRONTEX who are in charge of border security and projects as Mare nostrum.
- The EU must harmonize its asylum policies between all their members in order to have better collaboration and to establish annual refugee quotas that are regulated, and the members should be sanctioned if they have not complied.
- Due to the inefficiency of refugee management, the multiple violations of international law and the infringement of human rights, both the EU-Turkey should denunciate the Statement and Joint Action Plan and terminate it.
- EU members should declare that Turkey will not be accepted in the union of countries because the mere lure of membership is not viable in the long run. The EU should transform their Turkish strategy with no mention of a future accession and implement an approach focused on counterterrorism, security, and cooperation.
- Future studies on migration policy should emphasize the effects on people of state and international policies; most researchers and investigations focus on the juridical and technical aspects of policy. It must not be forgotten that behind every law, there are people whose lives are affected.

- In order to grant the denomination of “safe” to any country, the High Commissioner of United Nations for Human Rights should analyze said country, its respect for human rights, its law application, and the nonexistence of persecution with evidence, to warrant the refugees’ protection.
- The constructivism theory allowed the author to study the actors’ identities, agendas and interests. Nevertheless, this theory restricted the analysis of the relations between the actors, which did not permit to have the whole image of the Syrian refugee flow.
- The research faced hit barriers concerning data recollection as Syrian refugees and asylum seekers were in constant movement and there are not records of all Syrians entering the EU and Turkey due to the chaos and lack of resources, only approximates.

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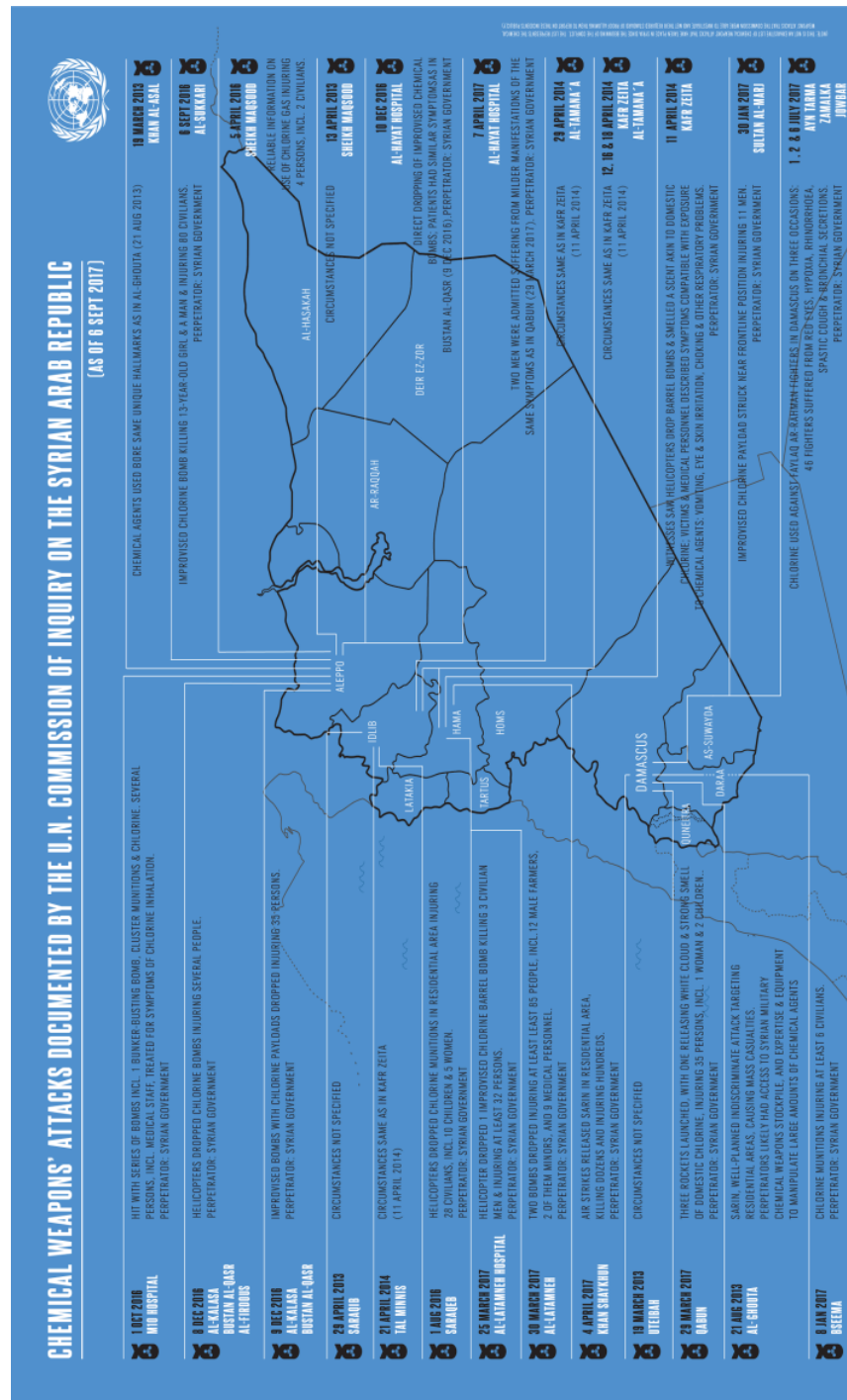
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## X. LIST OF ANNEX

## ANNEX 1

### CHEMICAL WEAPONS' ATTACKS DOCUMENTED BY THE UN COMMISSION OF INQUIRY ON THE SYRIAN ARAB REPUBLIC



Source: OHCHR (2017)  
Elaborated by: OHCHR (2017)